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JAY PROFESSOR OF GREEK IN COLUMBIA COLLEGE

M. TULLII CICERONIS

DE OFFICIIS

AD MARCUM FILIUM

LIBRI TRES

WITH

AN INTRODUCTORY ESSAY AND COMMENTARY

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INTRODUCTION.

1. The *De Officiis* is one of a series of works in which Cicero attempted to treat nearly all the questions which in his time were comprehended in a system of philosophy. In the *Hortensius*, a dialogue no longer extant, he sought to commend the study to his countrymen; in the *Academica* he treated of the criterion of truth, and gave a history of the Academic school; in the *De Finibus*, which should be read in connection with the present work, he presented the doctrines of the various schools in regard to the *summum bonum*, or the highest good; in the *De Natura Deorum* he treated in a similar manner the question of the existence and attributes of the Deity, and his relation to man; in the *Tusculanae Disputationes* he discussed certain practical questions in the domain of ethics; and finally, after a few less important works, he wrote the *De Officiis*, which is devoted to the paraenetic or advisory part of morals.

2. Cicero first makes mention of being occupied with this work in a letter to Atticus dated in June, B.C. 44 (Ep. ad Att. XV. 13, 6); but a journey to Greece,[1] begun though not finished during the summer, and a return to political life in the autumn, hindered very much its completion. We learn from another letter to Atticus (XVI. 11, 4) that the first two books were already written in November, and that the third was begun; so that the whole was probably brought to an end before the expiration of the year.

3. From the letter last quoted we may infer that Atticus had criticised the use of the plural number in the title *De*

[1] De Off. III. 33, 121.

Officiis; and Cicero thought it necessary to explain the usage. The corresponding expression in Greek was *περὶ τοῦ καθήκοντος*, and the singular *De Officio* seemed to Atticus the natural translation. Cicero answers that *De Officiis* is more complete (*sed inscriptio plenior de officiis*); and in another letter (XVI. 14, 3) he says: *Nonne dicimus, consulum officium, senatus officium, imperatoris officium? Praeclare convenit, aut da melius.*

4. The form of the book is not that which we find employed in the other philosophical works, namely an imaginary conversation in which each speaker sets forth the doctrine of a particular school on the subject under discussion. In this case Cicero directly addresses his son, who was then studying at Athens; and the treatise seems to have been composed partly for his instruction.[1]

5. The son, Marcus, was born in B.C. 65, and had in his youth the best opportunities for learning.[2] In the civil war he joined the side of Pompey, and commanded a small division of cavalry to the satisfaction of his commander.[3] In B.C. 45 he was sent by his father to study philosophy at Athens under Cratippus, at that time head of the Peripatetic school;[4] and there he led an irregular life.[5] In the autumn of the following year he joined the army of Brutus, fought in the battle of Philippi, and afterwards fled to Sextus Pompeius in Sicily. He was consul in B.C. 30, and as proconsul obtained the province of Asia; after this he disappears from public life.

6. Cicero's own education had fitted him for practical life; his aim had always been to take an active part in public affairs. The surest way to attain this, at least for him, was the study and practice of law and oratory; other branches of learning were only useful as accessories to this. He often speaks of his love for philosophy, and he seems always to

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[1] Ep. ad Att. XV. 13, 6. [2] Ep. ad Quint. Fr. II. 14, 2; III. 3, 4. [3] De Off. II. 13, 45. [4] Ep. ad Fam. XVI. 21. [5] Ep. ad Att. XIII. 1; XIV. 16, 3.

have been interested in it, even when most occupied in political life.[1] When he was a young man, the study of Greek philosophy was already very common at Rome, and ample means were at his command for becoming acquainted with the various schools then in vogue. He studied the Epicurean system under Phaedrus;[2] the New Academy under Philo of Larissa;[3] from Diodotus, who lived for some time in his house, he learned the doctrines of the Stoic school; and a journey to Greece gave him an opportunity of hearing Zeno, the Epicurean,[4] Antiochus, the founder of the Academic Eclecticism, and especially Posidonius at Rhodes.

7. Philosophy was nevertheless with him only a means of discipline or a recreation; and after his return to Rome other occupations must have prevented any systematic attention to it. The character of Cicero's mind, too, was practical and better adapted to the advocate than the philosopher.[5] The same thing may be said of his style of writing; it is too rhetorical for the rigor of philosophic discussion. Another hinderance, and a very serious one, arose from the fact that the Latin language had never before been employed in such writings, and afforded no equivalents for many of the subtile technical expressions of the Greek.[6] One must not therefore expect from him an original system or scientific precision of statement; he wrote for occupation and diversion;[7] and he himself claims only the merit of presenting to his countrymen the philosophy of the Greeks in a popular and attractive form, and of creating a new vocabulary for the purpose.[8] His philosophical works were nearly all composed during the last three years of his life, when he had retired in discouragement from public affairs, and was much broken in spirit by domestic affliction.[9] In this short time he wrote

[1] De Nat. Deor. I. 3, 6. [2] De Fin. I. 5, 16; Ep. ad Fam. XIII. 1, 2. [3] Brut. 89, 106. [4] De Nat. Deor. I. 21, 59. [5] De Nat. Deor. I. 3, 5. [6] De Fin. III. 1, 3. Even Seneca complains (Ep. 58) *Quanta verborum nobis paupertas, imo egestas sit, numquam magis quam hodierno die intellexi.* [7] De Off. III. init. [8] De Nat. Deor. I. 4, 8; De Div. II. 1, 1. [9] De Nat. Deor. I. 4, 7; Acad. I. 3, 11; De Div. II. 2, 6.

an amount which seems to us almost incredible, impossible indeed, had he relied wholly on his own resources; but his habit was to choose a work of some Greek philosopher, and to translate it or give the substance in his own words, adding any illustrations that occurred to him from Roman life.[1]

8. His reading, no doubt very extensive, had shown him the great divergence of opinion among philosophers upon all the subjects that came under their consideration;[2] and this fact alone sufficed to convince him that it was impossible to arrive at any certainty in these matters. He therefore professed himself an adherent of the New Academy,[3] which proclaimed this impossibility as a fundamental tenet. But this systematic doubt of everything did not satisfy him; the acknowledgment that anything like absolute certainty was unattainable became for him a starting-point for a study of the probable. Although certainty was impossible, he held that investigation might lead to a high degree of probability, enough for all the practical purposes of life.[4] He held himself therefore at liberty to choose from any system a doctrine which seemed to have the balance of probability in its favor, and to change this at any time for another which then appeared more probable.[5]

9. One point was always clear to him, that all philosophy has a value chiefly as a guide for practical life.[6] This was natural for a man of the world and for a Roman. He commended Socrates[7] for turning philosophical speculation from useless search after the origin of things to the study of the problems of ordinary life. Dialectics, metaphysics, and physics had for him very little importance, the latter mainly as a means of finding out something of the existence and manner of life of the Deity, and his relations to mankind. The real

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[1] Ep. ad Att. XII. 52, 3 *Dices qui talia conscribis? 'Απόγραφα sunt; minore labore fiunt; verba tantum affero, quibus abundo.* [2] Acad. II. 42, 129; 48, 147. [3] Acad. II. 20, 66; I. 4, 13. [4] De Nat. Deor. I. 5, 11. 12. [5] Tusc. Disp. V. 11, 33. De Off. III. 4, 20. [6] De Off. I. 43, 153; 21, 71. [7] Tusc. Disp. V. 4, 10.

end, he thought, of all these studies should be to establish some clear grounds of human action.

10. It followed naturally from this that Cicero found the greatest pleasure in ethical studies; and to these he has devoted two of his larger works. The *De Finibus*, as was remarked above, contains a discussion of the idea of the *summum bonum*, and the Epicurean, Stoic, and Peripatetic doctrines are examined at length. The first of these is absolutely rejected;[1] the doctrine that pleasure is the highest end of human action seems to the author absurd and utterly destructive of all morality. No clear decision, however, is reached in regard to the others; the Stoic doctrine that virtue is the only good seems to him more sublime, but he fears that it is an impossible one in practice;[2] at the same time, if we admit with the Peripatetics that anything else is good in itself, he fears that the foundation of morality may be less secure.[3] The difference in the end is very slight, one of words rather than of substance, he says; whether virtue is the only good, or is good beyond comparison with other things, is of no practical importance.[4] One sees that, so long as the discussion is theoretical, he has no clear conviction.

11. In the *De Officiis* the tone is in general quite different. He chooses here the Stoic system as a basis, because it seems to him (III. 4, 20) more elevated in tone; and although claiming at times the right of an Academic to change his opinions and to select more *probable* doctrines, yet he nowhere shows any doubt in regard to the foundation of morality and the absolute nature of the good. The treatment of the subject is thoroughly practical, the points chosen for discussion such as would interest his son and be useful to him in ordinary and in public life. His large experience of the world and extensive acquaintance with the political movements of the time lend an especial interest to the work.

After a brief introduction a general division of the subject

[1] De Fin. I. 7, 23 ff.; II. 34, 35. [2] De Fin. IV. 9, 21; De Am. V. 18. [3] Tusc. Disp. V. 1. [4] De Off. III. 3, 11.

is given, derived from Stoic sources; and, as frequent allusion is made to the doctrines of this school, it may not be amiss to cast a rapid glance at them, so far as is necessary in order to understand the book.

12. The study of morals, in the Stoic and in all other systems of philosophy since the time of Socrates, began with an inquiry into the idea of the highest good, the *τέλος* or *summum bonum;* for the question of the highest moral duty of man is identical with that of the highest good, and this with that of happiness; for happiness is the possession of the good, and the good is that which all desire. What is then the good, and what is the highest good, the end and rule of human action (Stob. Ecl. Eth. II. p. 56 *τέλος οὗ ἕνεκα πάντα πράττεται καθηκόντως, αὐτὸ δε πράττεται οὐδενὸς ἕνεκα*)?

13. Every living being, so they reason, is endowed by nature with the instinct of self-love and self-preservation, impelling it to seek that which satisfies and is necessary for its own nature (Diog. Laert. VII. 85 *τὴν αὑτοῦ σύστασιν καὶ τὴν ταύτης συνείδησιν*).[1] This is for that being *good*, and in the attainment of this consists its happiness (*πρῶτα κατὰ φύσιν, ea, quae sunt secundum naturam*). Man is furthermore endowed with reason distinguishing him from the brute creation; nothing can therefore be *good* for him which does not satisfy his reason. The desire of knowledge impels him to inquire into all that he sees around him, and by observation and comparison he becomes aware of the order and harmony of the universe; and so he reaches the conception that the highest good, the greatest happiness, for him is a conformity with the general constitution of nature. De Fin. III. 6, 21; Marc. Aurel. VI. 44 *συμφέρει δὲ ἑκάστῳ τὸ κατὰ τὴν ἑαυτοῦ κατασκευὴν καὶ φύσιν· ἡ δὲ ἐμὴ φύσις λογικὴ καὶ πολιτική.*[2] There are many expressions for this idea. Stob. Ecl. Eth. II.

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[1] De Off. I. 4; De Fin. III. 5, 6; Diog. Laert. VII. 85; Gell. N. A. XII. 5, 7. [2] Sen. Ep. 121, 14 *et ideo conciliari hominem sibi non tamquam animali sed tamquam rationali, ea enim parte sibi carus est homo, qua homo est.*

p. 138 τέλος δέ φασιν εἶναι τὸ εὐδαιμονεῖν . . . τοῦτο δ' ὑπάρχειν ἐν τῷ κατ' ἀρετὴν ζῆν, ἐν τῷ ὁμολογουμένως ζῆν, ἔτι, ταυτοῦ ὄντος, ἐν τῷ κατὰ φύσιν ζῆν.[1]

14. Since, now, the highest good is grounded in the universal constitution of nature and a virtuous life consists in conformity to it, we have at once the conception of *law* which the individual is bound to obey. The universe is governed by mind or reason; this reason is omnipresent, immortal, perfect, governing the world and all that is therein;[2] the maker, and, as it were, the father of all, the power of the everlasting law, commanding what is right and forbidding what is wrong;[3] (Ibid. § 40): he is the lawgiver; and *duty* consists in following his commands. But obedience to the moral law is not so much an obligation imposed from without as it is a necessity of man's own nature. The reason that dwells in him is a part of the universal reason;[4] and he cannot conceive of himself as endowed with reason, without at the same time feeling bound by its judgments. So that *conscience* is our own right reason commanding the right and forbidding the wrong by divine authority. Diog. Laert., VII. 88, says: The highest good is to live in harmony with nature, that is, according to one's own nature and that of the whole; doing nothing that is forbidden by the common law, which is right reason pervading all things, the same with Zeus; . . . and the virtue of the happy man consists in this, that every-

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[1] St. Augustine (De Civ. Dei, XIX. 1. 2. 3) discusses at some length the two hundred and eighty-eight *fines bonorum* mentioned by Marcus Varro; and at the beginning of Chapter IV. goes on to say: *Si ergo quaeratur a nobis, quid civitas Dei de his singulis interrogata respondeat, ac primum de finibus bonorum malorumque quid sentiat; respondebit aeternam vitam esse summum bonum, aeternam vero mortem summum malum; propter illam proinde adipiscendam istamque vitandam recte nobis esse vivendum.* [2] Diog. Laert. VII. §§ 138, 147. [3] De Nat. Deor. I. 15, 40; De Leg. I. 6, 18; II. 4, 8. 10; Acad. II. 37, 119; Sen. de Benef. IV. 7, 1. [4] De Leg. I. 12, 33 *Quibus enim ratio a natura data est, isdem etiam recta ratio data est, ergo et lex, quae est recta ratio in iubendo et vetando.*

thing is done in harmony with the individual reason according to the will of the governor of all things.[1]

15. This is the absolute good; and as a matter of theory the Stoics did not admit any other. Chrysippus says (Plut. de Stoic. Rep. 5, 2) *ἐν τῷ κατ' ἀρετὴν βιοῦν μόνον ἐστὶ τὸ εὐδαιμόνως, τῶν ἄλλων οὐδὲν ὄντων πρὸς ἡμᾶς οὐδ' εἰς τοῦτο συνεργούντων.* All other things, however important they may be to our life, such as health, riches, honor, and even life itself, are not *good*, any more than their opposites, sickness, poverty, disgrace, or death, are evil; they are *ἀδιάφορα*. It was not denied that there was a certain difference in these things, some being good in themselves, and others good as a means of attaining the good; but, strictly speaking, nothing was good, which, like riches, might under any circumstances tend to evil; only that was good which was unconditionally so, the difference between good and evil being one of nature, not of degree.[2] Further, if the good is defined, as Socrates defined it, to be the *useful*, then virtue alone is useful, utility is identical with right. Stob. II. 188 *εἶναι γὰρ τὸ ὠφελεῖν ἴσχειν κατ' ἀρετὴν καὶ τὸ ὠφελεῖσθαι κινεῖσθαι κατ' ἀρετήν.* So that in the end happiness is identical with virtue, the good and the useful with conduct conformable to reason, and there is no good but virtue.

16. The Stoics especially insisted that *pleasure* was not a good, or, as Epicurus held, the highest end of life; to allow this was in their view to deny the very essence of good. Although a sort of pleasure, rather *χαρά*, *gaudium*, than *ἡδονή*, *laetitia*, *voluptas*, does undoubtedly accompany the practice of virtue, yet this was not an aim, constituent part, or condition of moral action, but only a natural consequence; Diog. Laert.

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[1] *διόπερ τέλος γίνεται τὸ ἀκολούθως τῇ φύσει ζῆν· ὅπερ ἐστὶ κατά τε τὴν αὐτοῦ καὶ κατὰ τὴν τῶν ὅλων, οὐδὲν ἐνεργοῦντας ὧν ἀπαγορεύειν εἴωθεν ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος διὰ πάντων ἐρχόμενος ὁ αὐτὸς ὢν τῷ Διῒ καθηγεμόνι τούτῳ τῆς τῶν ὄντων διοικήσεως ὄντι. εἶναι δ' αὐτὸ τοῦτο τὴν τοῦ εὐδαίμονος ἀρετὴν καὶ εὔροιαν βίου, ὅταν πάντα πράττηται κατὰ τὴν συμφωνίαν τοῦ παρ' ἑκάστῳ δαίμονος πρὸς τὴν τοῦ τῶν ὅλων διοικητοῦ βούλησιν.* [2] Sext. Emp. adv. Math. XI. 61.

VII. 94 *ἐπιγεννήματα δὲ τήν τε χαρὰν καὶ τὴν εὐφροσύνην καὶ τὰ παραπλήσια.* Virtue is all-sufficient for happiness, it is its own reward; and it is called in this respect *τέχνη εὐδαιμονίας ποιητική* (Alex. Aphr. de An. 156, b, o); and so complete is this *αὐταρκία* of virtue, that the happiness cannot be increased by time; the virtuous man is completely happy and independent of all outward things.

17. But man is not only endowed with reason, he has at the same time certain passions repugnant to reason; and as virtue is conformity to, so vice is the contradiction of, right reason. Passion is such a condition of the *ἡγεμονικόν*, or reason, that the reason is violently impelled to something contrary to itself;[1] it is an internal change, not a condition superinduced from without; it is an error of judgment; virtue is wisdom, vice is ignorance.[2] And the passions are in our own power; they are, moreover, disturbances of the health, and may become actual diseases, of the soul; real virtue can exist only when they are completely suppressed.[3]

18. Virtue, then, negatively considered, is freedom from the passions, *ἀπάθεια*: positively it is subjection to the general law of nature, and a government of one's self according to reason. Hence it is entirely a matter of reason, and may be called simply rightly regulated reason (Tusc. Disp. IV. 15, 34 *ipsa virtus brevissime recta ratio dici potest*). Moreover, it contains two elements, one theoretical and another practical. The root and condition of all virtuous action is right knowledge; virtue is knowledge, vice is ignorance (Diog. Laert. VII. 93 *εἶναι δ' ἀγνοίας τὰς κακίας, ὧν αἱ ἀρεταὶ ἐπιστῆμαι*); but virtue is also health and strength, the right and harmonious constitution of the soul. It is, in fine, such a union of the practical with the theoretical that action is based upon knowledge,

[1] Diog. Laert. VII. 110 *ἔστι δὲ αὐτὸ τὸ πάθος κατὰ Ζήνωνα ἡ ἄλογος καὶ παρὰ φύσιν ψυχῆς κίνησις ἢ ὁρμὴ πλεονάζουσα*; Tusc. Disp. IV. 6. 11. [2] Diog. Laert. VII. 111 *δοκεῖ δ' αὐτοῖς τὰ πάθη κρίσεις εἶναι κ.τ.λ.*; Plut. Virt. Mor. c. III. p. 441; Tusc. Disp. IV. 7, 14; Sen. Ep. 113, 2. [3] Diog. Laert. VII. 115; Stob. Ecl. Eth. II. 182.

and knowledge finds its expression in right action; it is force of will based upon knowledge, these being inseparably connected.[1]

19. From wisdom (σοφία) as the foundation of all virtuous action proceed a number of virtues, which the Stoics, after the example of Plato, ranged under the four cardinal virtues.[2] First, φρόνησις, *prudentia*, the knowledge or judgment of good and evil; second, ἀνδρεία, *fortitudo*, or the knowledge of what is to be endured or not to be endured; third, σωφροσύνη, *temperantia*, the knowledge of what to choose or avoid; fourth, δικαιοσύνη, *iustitia*, the knowledge of what rightly belongs to all. In practice, prudence is right judgment as to the right or wrong of an action; fortitude, the fearless obedience to what is right and the courage to act; temperance, restraint of the appetites and lower impulses; justice, rendering to all persons what is justly their due.[3]

20. These virtues are co-ordinate; they all flow from the same source and tend to the same goal. Where one virtue is, or one vice, there we find all; and a single right action contains all the virtues, since it is the intention or the will that makes the action virtuous.[4]

21. An action is completely virtuous when it is not only good in itself, but springs from a good intention; the intention is the essence of the action; the will to do right, though it fail of performance, is equally good; Sen. de Ben. VI. 11, 3 *voluntas est, quae apud nos ponit officium;* the wrong desire is as bad as the wrong action; Cic. Parad. III. 1 *nec enim peccata rerum eventu, sed vitiis hominum metienda sunt.* Herein lies the difference between the κατόρθωμα and the καθῆκον:

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[1] Plut. de Stoic. Rep. VII. ὁ δὲ Κλεάνθης . . . εἰπὼν ὅτι πληγὴ πυρὸς ὁ τόνος ἐστί, κἂν ἱκανὸς ἐν τῇ ψυχῇ γένηται πρὸς τὸ ἐπιτελεῖν τὰ ἐπιβάλλοντα, ἰσχὺς καλεῖται καὶ κράτος, κ. τ. λ. Id. Virt. Mor. 2 Ἀρίστων δὲ ὁ Χῖος τῇ μὲν οὐσίᾳ μίαν καὶ αὐτὸς ἀρετὴν ἐποίει καὶ ὑγείαν ὠνόμαζε. [2] De Off. I. 43, 153; II. 2, 5; Sen. Ep. 89, 5. [3] Diog. Laert. VII. 92; Stob. Ecl. Eth. II. 104. 112. [4] Stob. Ecl. Eth. II. 112 πάσας δὲ τὰς ἀρετὰς . . . κοινά τε θεωρήματα ἔχειν καὶ τέλος, ὡς εἴρηται, τὸ αὐτό, διὸ καὶ ἀχωρίστους εἶναι· τὸν γὰρ μίαν ἔχοντα πάσας ἔχειν, καὶ τὸν κατὰ μίαν πράττοντα κατὰ πάσας πράττειν.

the καθῆκον is every reasonable action (*quod ita factum est, ut eius facti probabilis ratio reddi possit*, De Fin. III. 17, 58), every performance of duty in general, and according to the circumstances; the κατόρθωμα is the complete performance, the action not only reasonable in itself, but performed from a right intention; it is a καθῆκον πάντας ἐπέχον τοὺς ἀριθμούς.[1] It follows from this that all completely good actions are equal in worth, as all bad actions are equal in demerit, ἴσα τὰ ἁμαρτήματα καὶ τὰ κατορθώματα:[2] virtue is indivisible; it is possessed either completely or not at all.

22. This virtuous action, κατόρθωμα, can proceed only from a perfect man, the *sapiens*,[3] who has a perfect intention and unerring judgment of good and evil; and as there is no gradation from the good to the bad action, so there is none from the good to the bad man; a man is either wholly good or wholly bad.[4] Mankind is therefore divided, according to the Stoics, into wise and foolish. The *sapiens* is all-wise, all-virtuous; he alone is free, because dependent entirely upon himself; beautiful, because only virtue makes one so; rich and happy, because mental and moral endowments are the truest riches; in short, he is the embodiment of everything that is to be desired.[5]

23. The Stoic system, as thus set forth, is in the main logical and consistent; but evidently any attempt to apply it to the facts of common life would meet with failure. They themselves acknowledged that the ideal *sapiens* had almost never existed; Zeno himself did not claim to be such, and his followers could hardly aspire to be better than he. They were essentially practical in their general tone; and therefore easily conceded much in applying their scientific theories to the facts

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[1] Stob. Ecl. Eth. II. p. 184; De Fin. III. 18, 59; De Off. III. 3, 14. [2] Cic. Parad. III. 1; Sen. Ep. 66; Diog. Laert. VII. 127 ἀρέσκει δὲ αὐτοῖς μηδὲν μέσον εἶναι ἀρετῆς καὶ κακίας. [3] De Fin. III. 9, 32; IV. 6, 15; De Off. III. 3, 14. [4] Stob. Ecl. Eth. II. 236. 198; De Fin. III. 14, 48; Sen. Ep. 66. [5] Diog. Laert. VII. 121 ff.; Cic. Acad. II. 44, 136; Sen. de Ben. VII. 3, 2; 6, 3; 8, 1; Stob. Ecl. Eth. II. 206.

of common life. Although, as matter of theory, virtue was the only good, it could not be denied that many things were either necessary or helpful to the common man; hence these could not all be ἀδιάφορα, or indifferent. Then all those things which satisfy the instinct of self-preservation, the πρῶτα κατὰ φύσιν, must have a value, and that resting upon the constitution of human nature;[1] this was in fact the first step in the reasoning which led to the idea of the *summum bonum*. Moreover, if all these external things were ἀδιάφορα, no room would be left for a reasonable choice, none for the exercise of wisdom; in fine, no motive for action.[2]

24. A further division was then made of the ἀδιάφορα into three classes.[3] The first contained things which, although absolutely neither good nor evil, have yet a relative worth, either as being adapted to human nature, or as being helpful to the moral life; these are the προηγμένα, the preferable or desirable things. The second class, the ἀποπροηγμένα, are the reverse, things that are to be rejected, undesirable. Between these is the third class, the ἀδιάφορα in a restricted sense, things which are either absolutely indifferent, or of so vague a character as to excite neither desire nor aversion. Examples of προηγμένα are mental endowments, good natural disposition, special aptitudes, beauty, strength, health, life itself, riches, honor, noble descent, etc.; the opposites are ἀποπροηγμένα. Instances of the ἀδιάφορα are, whether the number of the hairs of one's head are odd or even; whether I use one piece of money or another to pay a debt.

25. The Stoics endeavored to maintain all these distinctions in practice; but this was almost impossible, and the authorities differ very much in the terms they employ. Even Chrysippus is said to have declared it absurd not to desire health and riches, and to have permitted the statesman to regard riches and honor as essentially good.[4]

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[1] De Fin. III. 5, 17; 6, 22; Gell. N. A. XII. 5, 7. [2] De Fin. III. 15, 50. [3] Diog. Laert. VII. 104, 60 ff.; De Fin. III. 15, 50. 51; Stob. Ecl. Eth. II. 142. [4] Plut. de Stoic. Rep. XXX. 2.

26. These concessions led naturally to a modification of the idea of duty. The *κατόρθωμα* was explained above to be an action good in itself and proceeding from a right intention, containing all the elements of right. The object of such an action is the absolute good; and if this alone were admitted to be the object of our actions, there could be but one duty. But when that which is relatively good is admitted to be morally desirable, the idea and sphere of duty are enlarged. Duties,[1] *τὰ καθήκοντα*, from this point of view, are divided into complete duties, binding under all circumstances, *κατορθώματα*, *καθήκοντα τέλεια*, *τὰ ἀεὶ καθήκοντα*, *perfectum officium*, etc.; and middle duties, *μέσα καθήκοντα*, *τὰ μὴ ἀεὶ καθήκοντα*, *officia media*, which are concerned with the *προηγμένα*, and vary according to circumstances.[2]

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[1] Diog. Laert. VII. 109; Stob. Ecl. Eth. II. 158.

[2] The use of the expression *τὸ καθῆκον* offers some difficulty, as it appears in some passages to include, in others to exclude, the *κατόρθωμα*. R. Hirzel (Untersuchungen zu Cicero's Philosophischen Schriften, II. Theil, Leipzig, 1882) has attempted to distinguish an earlier and a later usage. He maintains (p. 405 ff.) that the popular signification of the word was "that which is fitting;" that Zeno first restricted this to "that which has a probable justification" (D. L. VII. 25), denoting thereby the *μέσα καθήκοντα* as distinguished from *κατορθώματα*: that the later Stoics, probably Panaetius and his followers, returned to the popular usage, and, using *καθῆκον* in the general and popular sense, divided it into *τὸ ἀεὶ καθῆκον* (identical with *τὸ κατόρθωμα*), and *τὸ οὐκ ἀεὶ καθῆκον*. The proper interpretation of the definition in D. L. VII. 107 is in question: *καθῆκον φασὶν εἶναι ὃ πραχθὲν εὔλογόν τιν' ἴσχει ἀπολογισμόν*: and so Stob. Ecl. Eth. II. 158. Hirzel (ibid. p. 341, note 1) holds that *εὔλογος* has here the signification of "probable" (*wahrscheinlich*), and not that of "reasonable" (*vernunftig*); that "a probable justification" is one based on the probability that certain actions will be useful to us (*eine solche, die auf die Wahrscheinlichkeit hinweist, dass gewisse Handlungen uns nützlich sein werden*). In this sense, of course, the *κατόρθωμα* is excluded. Zeller (Die Philosophie der Griechen, etc., III.[3] pp. 265, 266, note 2) takes the definition as a general one, including *τὸ κατόρθωμα*. Cicero gives the same definition in De Off. I. 3, 8, and De Fin. III. 17, 58, applying it to the *media officia;* and in the first passage he opposes it to *τὸ κατόρθωμα*. Hirzel thinks that Panaetius omitted the general definition of duty, which Cicero criticises in I. 2, 7, because, as he understood it in the popular sense, it was unnecessary.

27. The latter are the only duties that have an interest for mankind. The standard of right action is conformity with right reason; we can only judge of this conformity by the exercise of our own reason, or conscience; if that were all-wise, so as to embrace the complex chain of causes and effects in the universe, our judgments would be sure, we should be *sapientes*, and our actions *κατορθώματα*. But as our reason is more or less limited, our judgment can only be partial, and our actions such as are approved by our consciences (*quorum ratio probabilis reddi possit*). All duties fall under this head; and these are the subjects of the paraenetic or advisory portion of the science of morals.

28. This part of the subject was already treated by the elder Stoics; but after Chrysippus it formed a separate division, and especial attention was devoted to it in later times. Cicero's book is especially valuable, as being almost the only work of its kind that has come down to us. The author whom he chiefly followed in composing it was Panaetius, the principal founder of Roman Stoicism. Panaetius was born at Rhodes, about B.C. 180. He studied under Diogenes and Antipater; afterwards he went to Rome, and there lived in the house of the younger Scipio, who, with Laelius, became his friend and disciple. After the death of Antipater he became the head of the Stoic school at Athens, and remained there until B.C. 110, about the year of his death. He enjoyed great distinction as a teacher, writer, man of learning, and philosopher; and contributed more to the spread of the system than any one since Chrysippus.

29. Panaetius gave more attention to the practical side of philosophy, in harmony with the spirit of the time; he aimed to present his subject in a popular and tasteful manner, abating somewhat of the scientific severity of his predecessors. To some extent he took an independent course in his teachings; and willingly acknowledged the merits and adopted ideas from other systems of philosophy. To him is due the division of ethics into theoretical and practical, mentioned in D. L. VII. 92; he united with the Stoic division of the four

virtues the Aristotelian division of duties into dianoetic and practical. His famous work, Περὶ καθήκοντος, was a practical treatise, intended not for the ideal sage, but for the common man of the world.

30. His book was divided, as Cicero tells us (I. § 9), into three parts; the first treated of duties derived from the idea of right; the second those from the idea of expediency; and the third, which for some reason he failed to write, would have discussed the cases of conflict between the two classes.

31. Cicero criticises this division in I. § 9 as being incomplete, and proposes instead another into five parts; the duties flowing from the *honestum;* the question which of two *honesta* is to be preferred; the *utile;* the question which of two *utilia* is to be preferred; and, lastly, the conflict between the *honestum* and the *utile.*

32. The first part occupies the greater portion of the first book, as far as c. 43, and is based on the work of Panaetius. The second part, occupying only the remaining three chapters, was, if we may judge from c. 45 and from Ep. ad Att. XVI. 11, 4, based on a work of Posidonius. Panaetius is again the model for the third part, which is treated in the second book, as far as § 86. For the brief remaining portion, containing all that is said on the fourth head, a work of Antipater of Tyre, mentioned in § 86, seems to have been the foundation.

33. For the fifth part, which occupies the whole third book, Cicero claims to have relied on himself. It is, however, probable that he used to some extent the work of Posidonius (see § 88); and a book of Hecato, a pupil of Panaetius, was still more useful, unless perhaps his knowledge of it was gathered from the summary (τὰ κεφάλαια), mentioned in the letter to Atticus.[1]

34. We see, then, that in the *De Finibus,* where the discussion is theoretical, the author is undecided in his views, but rather opposed to the Stoics; in the present work he adopts

[1] Hirzel, Untersuchungen, etc., p. 726.

the Stoic classification, and uses it as a framework for his own thoughts, although there is little in the development of ideas to conflict with the Peripatetic teachings. He occasionally refers to the similarity of his own views to the latter, as for instance in I. 1, 2. It is of course not possible to say how closely he followed Panaetius in the first two books; it is natural to suppose that the examples from Roman history were his own; and so doubtless were many of the reflections suggested by them. In the general tone there is very little in the whole work that would be foreign to modern ideas. The author holds the existence of an innate moral sense (Tusc. Disp. III. 1, 2 *sunt enim ingeniis nostris semina innata virtutum; quae si adolescere liceret, ipsa nos ad beatam vitam natura perduceret*); the good is an inherent quality of actions; and this is never changed by any consideration of expediency. No assertion occurs oftener with him than that nothing is expedient which is not also good (*nihil, praeter id quod honestum sit, propter se esse expetendum*). The *honestum* is what it is by nature, it is not a matter of opinion; De Leg. I. 16, 44 *nec solum ius et iniuria natura diiudicatur, sed omnino omnia honesta et turpia;* and so 17, 46.

35. The *De Officiis* has always been one of the most popular of Cicero's works. Pliny (H. N. Praef. § 22) speaks of the books as *volumina ediscenda, non modo in manibus cotidie habenda.* St. Ambrose composed a work with the same title, following very nearly the same plan. Melanchthon wrote a commentary on Cicero's book, and says *non alius exstat libellus de moribus absolutior officiis Ciceronis.* Erasmus did not doubt *quin illud pectus, unde ista prodierunt, aliqua divinitas occuparit.* Frederick the Great pronounced it "the best work on morals that has been or can be written."

36. Later critics are not so indulgent. Prof. Mommsen, for instance (Röm. Gesch. III.[5], 607), considers Cicero's "philosophical library," scribbled off in a couple of months, a complete failure; and if the works are judged as scientific treatises, there is a great deal of justice in the criticism. The truth lies perhaps between the two extremes; and it is hardly

fair to apply a standard which the author himself would have disclaimed. The *De Officiis* is doubtless incomplete, in some parts confused, inconsistent, and disfigured by careless writing. But Cicero tells us what to expect from his philosophical works: Ep. ad Att. XII. 52 *'Απόγραφα sunt; minore labore fiunt; verba tantum affero, quibus abundo;* and we know that circumstances made this unavoidable. They have, notwithstanding, a very great value, since they give us an idea at least of other works that are lost; and they have always found admiring readers.

37. The MSS. of the *De Officiis* are very numerons. They have all come from a common source, but may be divided into two classes; at the head of one stand the Bernensis c, of the 13th century, and the Palat. p; of the other family the best are a MS. at Bamberg, one at Würzburg, the MS. b at Berne, all dating from the tenth century.

38. The text of the present edition is mainly that of C. F. W. Müller, Leipzig, 1879; and an Adnotatio Critica, giving the variations from the texts of Baiter, in the Zürich and the Leipzig editions, from the fifth of Heine, 1878, and occasionally from other editors, may be found at the end of the notes. In a few instances where Müller's text has been altered, the changes will be found noted in the proper place in the Adnotatio, and often explained in the notes.

39. In writing the notes, various editions have been constantly consulted, for there is hardly any ancient classic where the material is so abundant. The mass of matter has now become a sort of common property; but especial acknowledgment is due to the edition of Heine in the Weidmann series, Berlin, 1878, many of whose notes have been substantially translated here; and the whole book has had the very great advantage of a careful revision by Professor Drisler. The sketch of the Stoic philosophy given above is drawn mainly from Zeller, Die Philosophie der Griechen in ihrer Geschichtlichen Entwickelung, Leipzig, 1880.

honestum = morally right [illegible]

honestas - [illegible]

[illegible]

[illegible]

BOOK I.

SUMMARY.

[The Roman numerals indicate chapters, the Arabic, sections.]

I. 1–6. In the introduction Cicero recommends to his son, while studying Greek philosophy at Athens, to give some attention to the Latin as well. He proposes his own works for the purpose (2), as their doctrines are not very different from those of the Peripatetic Cratippus with whom Marcus was studying. Both the oratorical and philosophical works will be of service; for, though yielding the palm to others in the knowledge of philosophy as a science, he claims for himself the merit of an elegant style; and these two things (3) have never been found united in any of the Greeks.

Desiring now to write something of this sort for his son (II. 4) he begins with the subject of morals; this is at once adapted to the young man's age, and is of the widest general application. The topic is one common to all schools of philosophy, although not all of them can consistently treat it. Those who recognize no other end of human action than pleasure have no right to discuss it; hence it falls more properly to the Stoics, the Academics, and the Peripatetics. The Stoic doctrine is taken as the basis of the present book.

7–10. We naturally begin with a definition. All discussion of duty (III) falls under two heads, one treating of the standard of right and wrong, the other of the rules of conduct which should govern us in common life. Duties themselves (8) are divided into perfect or absolute duties, and common or middle duties. Panaetius divided the general subject (9) into three heads: under the first he discussed the right (*honestum*) and wrong of actions; under the second, their expe-

diency (*utile*); under the third, the conflict between the two. Cicero adds after the first head the conflict between two *honesta*, after the second that between two *utilia*, making in all five heads.

IV. 11–14. Origin of the idea of right. All animate beings (11) are endowed by nature with the instinct of self-preservation and the appetite for the reproduction of their kind; they seek all things that promote these ends, and avoid whatever hinders them. Man is furthermore endowed with reason, and has other and higher desires corresponding to it. His reason impels him (12) to seek the society of the family and his fellow-men, and to provide all things necessary for these purposes. The search and study of truth (13) is another desire; the desire of superiority a third. Not the least of his endowments (14) is the power of observing the beauty and harmony of all that surrounds him; and this harmony he strives to attain in all his thoughts and actions. From all these things he gathers the idea of right (*honestum*); but the *honestum* exists of itself, by nature, independently of man's conception.

V. 15–17. Every right action falls under one of four heads, corresponding to the four desires just mentioned; and all duties may be treated under the same division. Hence arise the four virtues: *sapientia*, or *prudentia*, wisdom or knowledge of truth; *iustitia*, justice, having its exercise in the various relations of society; *fortitudo*, fortitude, shown in loftiness and strength of mind, and in indifference to the chances of life; *temperantia*, temperance, in self-restraint, moderation, and decorum.

VI. 18, 19. *Sapientia.* The desire for knowledge is universal. But two dangers are to be avoided: on the one hand we must not hurry to conclusions without thoroughly examining their grounds; on the other (19) too much time should not be given to obscure, difficult and unnecessary investigations; for all virtue consists in action.

VII. 20—XVIII. 60. *Iustitia.* This virtue constitutes the bond of human society and our common life, and thus

has a wider scope than any other. It may be treated under two heads—*justice* and *liberality.*

Of *justice*, in this narrower sense, the first duty is never to do a wrong to any one unless we have sufficient provocation; the second, to use things which belong to all persons in common, as well as one's own property, without violating the rights of others. We should try to draw closer the bonds of human society (22) by an interchange of good offices; and good faith, or steadfastness and truth in all our sayings and dealings, is the foundation of justice.

Of *injustice* (23) there are two kinds; the first, where a person inflicts a wrong on another; the second, where he neglects to prevent a wrong being done to another.

The most common motive for inflicting injuries (24) is the desire of obtaining undue power or riches. The most ambitious men desire wealth (VIII. 25) in order to gain influence in the state, and to be able to distribute largesses, as was the case with Crassus; some care much for a brilliant style of living, which is quite right if maintained without doing injustice to others. But men oftener forget justice (26) when they are carried away by the thirst for honor, power, and glory, as C. Caesar was. A premeditated wrong (27) is more blameworthy than one committed under the impulse of passion.

There are several causes of neglect to prevent injustice to others (IX. 28): reluctance to incur labor and expense, negligence, sloth, or devotion to one's own occupations. The philosophers, perhaps, fall into this error.

It is much easier to judge rightly in regard to the duties of other persons (29) than in regard to our own; hence it is well (30) never to do anything as to the rightfulness of which we have any doubt.

But cases often occur when duty varies (X. 31) according to circumstances; in these we must aim to act in such a way that injury shall be done to no one, and consult the common good. Sometimes the execution of a promise is inexpedient (32) to one or the other of the parties. Promises are not to be kept when the fulfilment would work a greater injury to

the person promising than the benefit accruing to the other party. Promises made under compulsion are not binding.

Injustice is often done by a dishonest interpretation of a promise (33).

There are certain duties (XI) to be observed towards those who have wronged us; for instance, those with whom we are at war. Wars may be waged to prevent aggression (35); the conquered should be humanely treated, and an honorable peace be the aim. A declaration should always (36) precede actual operations. Wars for conquest (38) are to be carried on more humanely than others.

Promises made to an enemy (XIII. 39) should be fulfilled. Regulus acted rightly in returning to Carthage according to his promise; and the censors branded the captives whom Hannibal sent to Rome (40) after the battle of Cannae. The deserter from Pyrrhus was properly sent back.

From slaves (41) we may require labor, but must treat them justly; and of all injustice none is greater than the pretence of right when one is doing wrong.

Liberality, the second part of justice (XIV. 42), requires much caution. Care should be taken not to harm either the recipients or other persons, as happened, for instance (43), in the confiscations and largesses of Sulla and Caesar. Again, liberality should be proportioned (44) to one's ability, that other just claims may not be neglected. Thirdly (45, 46), regard should be had to the character of those who receive the bounty, and to our relations or obligations towards them.

Our benevolence is, above all, due to those (47) who love us most; and, if in addition they have conferred benefits on us (48), we are still more bound to make a generous return. Kindness done with discretion and thoughtfulness (49) is worthy of more regard than that done from impulse; and, other things being equal, assistance should rather be given to those who have the greatest need.

But we shall best serve the interests of society (50) if we are benevolent to others in proportion to their relationship to us; and to judge rightly of this we must inquire somewhat

into the natural principles of human society. Reason and speech are the bond which unites us and distinguishes us from the brutes. This universal brotherhood (51) should be maintained by the observance of law, or, where there is no law, by a kindly regard for the needs of our fellow-men. One should always do a kindness when he can do it (52) without injury to himself.

There are several degrees of relationship among men (XVII. 53). After the universal bond of human nature comes that of the same nation or of the same language; next, that of the city or town; then, that of the family connection. The first relationship (54) is that of marriage and of the immediate family; the next, that of brothers, sisters, and their families. The bond of friendship (55, 56) is one of the best and firmest; but the strongest and dearest of all (57) is that of a common country, and this includes all the others. If occasion arise to compare these claims (58), we may range them in this order: those of country, parents, children, family, immediate and remote; friendship is entitled not only to material help but to a complete community of thought and feeling.

Sometimes one's liberality must be proportioned, not to the relationship, but (XVIII. 59) to the momentary necessity of the person. We must endeavor in all cases to weigh well our obligations; and no precepts are sufficient (60) without corresponding practice.

XVIII. 61—XXVII. 93. *Fortitudo.* This is the virtue which attracts most notice and commands the most general admiration. But it must be based (XIX. 62) on justice; and so it is defined by the Stoics as "virtue contending for equity." The difficulty here is that large-mindedness (64) is often attended with ambition and an inordinate desire for power. True greatness of mind cares less for glory (65) than for doing right.

Fortitude (XX. 66) is shown in two ways: the first, an independence of outward circumstances, a desire only of what is good, endurance under adversity; the second, a readiness for useful, difficult, and dangerous undertakings. The latter most

attracts attention (67); the former is the essence of the virtue. This is seen in two things: a persuasion that nothing is right which is not good; and a perfect tranquillity of mind. The excessive desires (68) of pleasure, money, and glory are evil. A quiet mind should be our aim (69); for this philosophers and serious men often retire from public life. They may perhaps be excused; their life is easier (XXI. 70), though less useful and glorious than a public one. Especially are they excusable (71) if they retire for study or any serious reason; but false pride and despondency are evil. If one is fitted by nature (72), he should engage in public life, without, however, giving up his independence (73); and before undertaking anything be sure of the means to accomplish it.

The common idea that military glory (XXII. 74) is much greater than that gained in civil life is not always correct. Solon (75) did as much for his country as Themistocles; we may cite too the examples of Pausanias (76) and Lysander, Scaurus, Marius, and other cases in Roman life; and Cicero's own success (77, 78) in quelling the insurrection of Catiline.

Although the body should be trained to endurance (XXIII. 79), it is the mind that is required here; and hence civilians often accomplish more in war than those who actually carry it on.

A brave and steadfast man (80) should never lose his presence of mind, and never be surprised (81) by an unforeseen difficulty.

A great man treats a conquered enemy (XXIV. 82) justly, punishing only the guilty. Timidity must be shunned on the one hand (83), rashness on the other. We should be more ready to expose ourselves than the state to danger, and even sacrifice our own fame to the public good. Many have been willing to give up everything (84) for their country but their own glory, like Callicratidas and Cleombrotus; it was not so with Q. Maximus.

Those who are in public office (XXV. 85) must take care, first, that they serve the public interest rather than their own; secondly, that they serve the whole state, not a mere party.

From party-serving come sedition and discord. So at Athens (86), and at Rome in the civil wars. It is a pitiable strife, that for public office.

Personal enemies should be mildly treated (88); and in a republic courtesy in one's bearing, clemency, and justice in inflicting punishments (89) are all needful.

Arrogance in prosperity (XXVI. 90) is the mark of a light mind; an equable temperament and bearing are praiseworthy, as was seen in Socrates, Laelius, and Philip of Macedon. The counsel of friends (91) will aid us in this matter. In fine (92) public life affords means for the widest influence, private life for honorable usefulness.

XXVII. 93—XLIII. 151. *Temperantia.* The fourth virtue includes modesty and grace, temperance, moderation, self-control, and order. Under this head also comes *decorum*, which the Greeks call *πρέπον*. Strictly speaking, decorum is inherent in all right actions, for everything which is right is fitting; but it is more apparent in this fourth class, where moderation and temperance, with a sort of dignity, are the most prominent qualities. It is difficult to define; but it is the same harmony (97) of the words and actions with the character and circumstances of a person, which the dramatic poets observe in writing their plays; and as beauty of person (98) gives pleasure, so this decorum brings the approbation of all those with whom we come in contact. Hence we should always cultivate (99) a sort of deference towards others, and especially towards the best men.

The duty which flows from this (100) consists, firstly, in following the guidance of nature; and this will lead us to the practice of all the virtues, but especially of the virtue now in question. The constitution of our mind (101) is a twofold one; there are the appetites (*ὁρμαί*) and the reason to govern them. All action (XXIX) should be well considered and should proceed from rational grounds; the appetites should neither go beyond nor fall short of the reason. Recreation and sport (103) should be moderate; jesting (104) may be easily carried to excess.

But we must always keep in mind (XXX. 105) the difference between the nature of man and that of the lower animals; the latter are governed by appetite, the former by reason. Pleasure (106) should be moderate, and sober living is better than luxury.

We may also observe in ourselves two characters (107): one common to us with our fellow-men, distinguishing us from the brute creation; the other peculiar to us as individuals. There are the same differences in our minds as in our bodies; and this may be illustrated (108, 109) by many examples.

So far as we do not act against nature in the general sense (XXXI. 110), we may follow our own individual characters; in fact, unless we do so (111), nothing can be really fitting. So true is this that there are some situations in life in which suicide (112) is a duty for one man, but would be blameworthy in another. Cato and his associates illustrate this difference. Ulysses and Aiax (113) are examples of opposite characters. Each person, therefore (114), should choose the course of life most consonant with his natural gifts, as the actors choose their parts in a play.

Besides these two characters there is a third (XXXII. 115) which chance or circumstances impose upon us; and a fourth, the result of our own choice. Our station in life is a matter of chance; the manner in which we fill it depends upon ourselves. We choose a profession, either (116) that of our fathers or ancestors, or a different one, often at an age (117) when we are least competent to do so; for not all of us can make the deliberate choice of Hercules (118).

It sometimes happens that men of great genius or acquirements (XXXIII. 119) are able themselves to select their career; in this case natural gifts, rather than external circumstances, should determine their choice. When this is once fixed, it should be persevered in; but if a change is necessary (120), it should be thoughtfully made. In imitating our ancestors (121) of course their faults are to be avoided; we may at least emulate their virtues.

Duties differ also (XXXIV. 122) for the old and the young.

The young should respect the old and follow their counsel, avoid excesses, train the mind and the body. Old men (123) should aid others with counsel, and especially be ready to serve the state; they ought never to yield to languor, sloth, or luxury. Magistrates (124) must maintain the dignity of the state, private persons be good citizens. Foreigners (125) should not meddle in what does not concern them.

Something must be said too (XXXV. 126) in regard to our conversation, dress, and general bearing. Some subjects are unsuitable for conversation; in this matter (129) we must avoid effeminacy on the one hand and coarseness on the other.

There are two kinds of beauty (XXXVI. 130), that in which grace and elegance are the principal elements, and that which consists in manly dignity. The latter should be apparent in all the motions of the body, in our personal habits and dress; everything like affectation should be shunned.

In conversation (XXXVII) great care should be given to the tone of voice (133), the style (134), and the choice of subjects. Dignity of bearing (XXXVIII. 136) and courtesy towards others are necessary; or if at times severity be required, let it be used with moderation.

One's dwelling (XXXIX. 138) should befit his position; and the house (139) be known from the master, not the master from the house. How many have imitated the grandeur, how few the virtue, of Lucullus (140)!

In all actions three things (141) are essential: that the appetites obey the reason, that all effort be proportioned to the object in view, and that moderation be observed in all things.

Finally (XL. 142), we come to order (*εὐταξία*), or the saying and doing things at the right time and in the right place. As in a discourse, so in life (144), all things should fit together. The greater violations of propriety are easily observed; but, as a musician detects discords which escape the ordinary ear, we may often by giving close attention (146) draw weighty conclusions from trivial things. In case of doubt (147) the advice of others may be useful. It is an error (148) to expect for ourselves such an indulgence in these matters as was

shown to Socrates or Aristippus. Every one is entitled to our respect (149) according to his character, age, and position.

There are many occupations in which an honorable man may not engage. Such are those which are distasteful to other persons, those of money-lenders, hirelings, retail dealers, artisans, etc.; where considerable skill is required, a calling may be respectable for those of a corresponding position; commerce, if conducted on a large scale, is not to be disparaged; but agriculture is of all pursuits the most worthy of a free man (150, 151).

XLIII. 152. Comparison of two *honesta*. Cases sometimes arise in which we have to decide which of two right actions is to be preferred. The general rule (153) is that duties which concern the interests of society take precedence of those relating to mere knowledge. For knowledge itself, in its most general sense, has to do with the fellowship of gods and men; and if this is the highest knowledge, the duties arising from it must also be the highest. But this knowledge is useless unless it be employed in action, and especially in the service of others; and this is shown by the conduct of the best men. Every one would lay aside other duties in case of danger to his country (154), his relations, or friends. So the greatest students have never withdrawn themselves from these responsibilities (XLIV. 155); if not in person, they have served others by their books. And eloquence (156) is better than study alone. Men are born social beings (157); hence knowledge, apart from this association, is empty, and fortitude may become brutality. It is not true, as some say (158), that human society took its origin from the need of mutual aid in supplying men's wants; for, even if all these were supplied by magic, man would shrink from solitude.

These duties are not always, however, to take precedence of that of temperance (XLV. 159); for some actions are so base as not to be allowable on any consideration. As to the order of common duties (160) we should arrange them thus: first, those to the gods; second, those to our country; third, those to relations; and next, the others in order.

M. TULLII CICERONIS

DE OFFICIIS AD MARCUM FILIUM

LIBER PRIMUS.

Quamquam te, Marce fili, annum iam audientem 1 1 Cratippum, idque Athenis, abundare oportet praeceptis institutisque philosophiae propter summam et doctoris auctoritatem et urbis, quorum alter te scientia augere potest, altera exemplis, tamen, ut ipse ad meam utilitatem semper cum Graecis Latina coniunxi neque id in philosophia solum, sed etiam in dicendi exercitatione feci, idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam quidem ad rem nos, ut videmur, magnum attulimus adiumentum hominibus nostris, ut non modo Graecarum litterarum rudes, sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad iudicandum. Quam ob rem disces tu 2 quidem a principe huius aetatis philosophorum, et disces, quam diu voles, tam diu autem velle debebis, quoad te, quantum proficias, non paenitebit; sed tamen nostra legens non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse, de rebus ipsis utere tuo iudicio (nihil enim impedio), orationem autem Latinam efficies profecto legendis nostris pleniorem. Nec vero hoc arroganter dic-

tum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate dicere, quoniam in eo studio aetatem consumpsi, si id mihi assumo, videor id meo iure quodam
3 modo vindicare. Quam ob rem magnopere te hortor, mi Cicero, ut non solum orationes meas, sed hos etiam de philosophia libros, qui iam illis fere se aequarunt, studiose legas; vis enim maior in illis dicendi, sed hoc quoque colendum est aequabile et temperatum orationis genus. Et id quidem nemini video Graecorum adhuc contigisse, ut idem utroque in genere elaboraret sequereturque et illud forense dicendi et hoc quietum disputandi genus, nisi forte Demetrius Phalereus in hoc numero haberi potest, disputator subtilis, orator parum vehemens, dulcis tamen, ut Theophrasti discipulum possis agnoscere. Nos autem quantum in utroque profecerimus, aliorum sit iudicium, utrumque certe
4 secuti sumus. Equidem et Platonem existumo, si genus forense dicendi tractare voluisset, gravissime et copiosissime potuisse dicere, et Demosthenem, si illa, quae a Platone didicerat, tenuisset et pronuntiare voluisset, ornate splendideque facere potuisse; eodemque modo de Aristotele et Isocrate iudico, quorum uterque suo studio delectatus contempsit alterum.

2 Sed cum statuissem scribere ad te aliquid hoc tempore, multa posthac, ab eo ordiri maxime volui, quod et aetati tuae esset aptissimum et auctoritati meae. Nam cum multa sint in philosophia et gravia et utilia accurate copioseque a philosophis disputata, latissime patere videntur ea, quae de officiis tradita ab illis et praecepta sunt. Nulla enim vitae pars neque publicis neque privatis neque forensibus neque domesticis in

rebus, neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest, in eoque et colendo sita vitae est honestas omnis et neglegendo turpitudo. Atque haec quidem quaestio communis est omnium 5 philosophorum; quis est enim, qui nullis officii praeceptis tradendis philosophum se audeat dicere? Sed sunt non nullae disciplinae, quae propositis bonorum et malorum finibus officium omne pervertant. Nam qui summum bonum sic instituit, ut nihil habeat cum virtute coniunctum, idque suis commodis, non honestate metitur, hic, si sibi ipse consentiat et non interdum naturae bonitate vincatur, neque amicitiam colere possit nec iustitiam nec liberalitatem; fortis vero dolorem summum malum iudicans aut temperans voluptatem summum bonum statuens esse certe nullo modo potest. Quae quamquam ita sunt in promptu, ut res disputa- 6 tione non egeat, tamen sunt a nobis alio loco disputata. Hae disciplinae igitur si sibi consentaneae velint esse, de officio nihil queant dicere, neque ulla officii praecepta firma, stabilia, coniuncta naturae tradi possunt nisi aut ab iis, qui solam, aut ab iis, qui maxime honestatem propter se dicant expetendam. Ita propria est ea praeceptio Stoicorum, Academicorum, Peripateticorum, quoniam Aristonis, Pyrrhonis, Erilli iam pridem explosa sententia est; qui tamen haberent ius suum disputandi de officio, si rerum aliquem dilectum reliquissent, ut ad officii inventionem aditus esset. Sequemur igitur hoc quidem tempore et hac in quaestione potissimum Stoicos non ut interpretes, sed, ut solemus, e fontibus eorum iudicio arbitrioque nostro, quantum quoque modo videbitur, hauriemus.

Placet igitur, quoniam omnis disputatio de officio 7

1 Minor Stoic

futura est, ante definire, quid sit officium; quod a Panaetio praetermissum esse miror. Omnis enim, quae ratione suscipitur de aliqua re institutio, debet a definitione proficisci, ut intellegatur, quid sit id, de quo
3 disputetur. Omnis de officio duplex est quaestio: unum genus est, quod pertinet ad finem bonorum, alterum, quod positum est in praeceptis, quibus in omnis partis usus vitae conformari possit. Superioris generis huius modi sunt exempla: omniane officia perfecta sint, num quod officium aliud alio maius sit, et quae sunt generis eiusdem. Quorum autem officiorum praecepta traduntur, ea quamquam pertinent ad finem bonorum, tamen minus id apparet, quia magis ad institutionem vitae communis spectare videntur; de quibus est nobis his libris
8 explicandum. Atque etiam alia divisio est officii. Nam et medium quoddam officium dicitur et perfectum. Perfectum officium rectum, opinor, vocemus, quoniam Graeci κατόρθωμα, hoc autem commune officium καθῆκον vocant. Atque ea sic definiunt, ut, rectum quod sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit, ratio pro-
9 babilis reddi possit. Triplex igitur est, ut Panaetio videtur, consilii capiendi deliberatio. Nam aut honestumne factu sit an turpe dubitant id, quod in deliberationem cadit; in quo considerando saepe animi in contrarias sententias distrahuntur. Tum autem aut anquirunt aut consultant, ad vitae commoditatem iucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint iuvare et suos, conducat id necne, de quo deliberant; quae deliberatio omnis in rationem utilitatis cadit. Tertium dubitandi genus est, cum pugnare videtur cum honesto id, quod

videtur esse utile; cum enim utilitas ad se rapere, ho-
nestas contra revocare ad se videtur, fit ut distraha-
tur in deliberando animus adferatque ancipitem curam
cogitandi. Hac divisione, cum praeterire aliquid maxu- 10
mum vitium in dividendo sit, duo praetermissa sunt;
nec enim solum utrum honestum an turpe sit, delibe-
rari solet, sed etiam duobus propositis honestis utrum
honestius, itemque duobus propositis utilibus utrum
utilius. Ita, quam ille triplicem putavit esse rationem,
in quinque partes distribui debere reperitur. Primum
igitur est de honesto, sed dupliciter, tum pari ratione
de utili, post de comparatione eorum disserendum.

Principio generi animantium omni est a natura tri- 4 11
butum, ut se, vitam corpusque tueatur, declinet ea,
quae nocitura videantur, omniaque, quae sint ad viven-
dum necessaria, anquirat et paret, ut pastum, ut lati-
bula, ut alia generis eiusdem. Commune item animan-
tium omnium est coniunctionis adpetitus procreandi
causa et cura quaedam eorum, quae procreata sunt; sed
inter hominem et beluam hoc maxime interest, quod
haec tantum, quantum sensu movetur, ad id solum,
quod adest quodque praesens est, se accommodat pau-
lum admodum sentiens praeteritum aut futurum; homo
autem, quod rationis est particeps, per quam conse-
quentia cernit, causas rerum videt earumque praegres-
sus et quasi antecessiones non ignorat, similitudines
comparat rebusque praesentibus adiungit atque adnec-
tit futuras, facile totius vitae cursum videt ad eamque
degendam praeparat res necessarias. Eademque natura 12
vi rationis hominem conciliat homini et ad orationis et
ad vitae societatem ingeneratque in primis praecipuum
quendam amorem in eos, qui procreati sunt, impellit-

que, ut hominum coetús et celebrationes et esse et a se obiri velit ob easque causas studeat parare ea, quae suppeditent ad cultum et ad victum, nec sibi soli, sed coniugi, liberis ceterisque, quos caros habeat tuerique debeat; quae cura exsuscitat etiam animos et maiores
13 ad rem gerendam facit. In primisque hominis est propria veri inquisitio atque investigatio. Itaque cum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre, audire, addiscere cognitionemque rerum aut occultarum aut admirabilium ad beate vivendum necessariam ducimus. Ex quo intellegitur, quod verum, simplex sincerumque sit, id esse naturae hominis aptissimum. Huic veri videndi cupiditati adiuncta est adpetitio quaedam principatus, ut nemini parere animus bene informatus a natura velit nisi praecipienti aut docenti aut utilitatis causa iuste et legitime imperanti; ex quo magnitudo animi existit humanarumque rerum
14 contemptio. Nec vero illa parva vis naturae est rationisque, quod unum hoc animal sentit, quid sit ordo, quid sit, quod deceat, in factis dictisque qui modus. Itaque eorum ipsorum, quae aspectu sentiuntur, nullum aliud animal pulchritudinem, venustatem, convenientiam partium sentit; quam similitudinem natura ratioque ab oculis ad animum transferens multo etiam magis pulchritudinem, constantiam, ordinem in consiliis factisque conservanda putat cavetque, ne quid indecore effeminateve faciat, tum in omnibus et opinionibus et factis ne quid lubidinose aut faciat aut cogitet. Quibus ex rebus conflatur et efficitur id, quod quaerimus, honestum, quod etiamsi nobilitatum non sit, tamen honestum sit, quodque vere dicimus, etiamsi a nullo laudetur, natura esse laudabile.

Formam quidem ipsam, Marce fili, et tamquam fa- 5
ciem honesti vides, "quae si oculis cerneretur, mirabi- 15
les amores," ut ait Plato, "excitaret sapientiae." Sed
omne, quod est honestum, id quattuor partium oritur
ex aliqua: aut enim in perspicientia veri sollertiaque
versatur aut in hominum societate tuenda tribuendoque
suum cuique et rerum contractarum fide aut in animi
excelsi atque invicti magnitudine ac robore aut in om-
nium, quae fiunt quaeque dicuntur, ordine et modo, in
quo inest modestia et temperantia. Quae quattuor (15)
quamquam inter se colligata atque implicata sunt, tamen
ex singulis certa officiorum genera nascuntur, velut ex
ea parte, quae prima discripta est, in qua sapientiam et
prudentiam ponimus, inest indagatio atque inventio
veri, eiusque virtutis hoc munus est proprium. Ut 16
enim quisque maxime perspicit, quid in re quaque veris-
simum sit, quique acutissime et celerrime potest et vi-
dere et explicare rationem, is prudentissimus et sapien-
tissimus rite haberi solet. Quocirca huic quasi materia,
quam tractet et in qua versetur, subiecta est veritas.
Reliquis autem tribus virtutibus necessitates propositae 17
sunt ad eas res parandas tuendasque, quibus actio vitae
continetur, ut et societas hominum coniunctioque ser-
vetur et animi excellentia magnitudoque cum in augen-
dis opibus utilitatibusque et sibi et suis comparandis,
tum multo magis in his ipsis despiciendis eluceat. Ordo
item et constantia et moderatio et ea, quae sunt his si-
milia, versantur in eo genere, ad quod est adhibenda
actio quaedam, non solum mentis agitatio. Iis enim
rebus, quae tractantur in vita, modum quendam et or-
dinem adhibentes honestatem et decus conservabimus.
6
Ex quattuor autem locis, in quos honesti naturam 18

vimque divisimus, primus ille, qui in veri cognitione consistit, maxime naturam attingit humanam. Omnes enim trahimur et ducimur ad cognitionis et scientiae cupiditatem, in qua excellere pulchrum putamus, labi autem, errare, nescire, decipi et malum et turpe ducimus. In hoc genere et naturali et honesto duo vitia vitanda sunt, unum, ne incognita pro cognitis habeamus iisque temere assentiamur; quod vitium effugere qui volet (omnes autem velle debent), adhibebit ad con-
19 siderandas res et tempus et diligentiam. Alterum est vitium, quod quidam nimis magnum studium multamque operam in res obscuras atque difficiles conferunt easdemque non necessarias. Quibus vitiis declinatis quod in rebus honestis et cognitione dignis operae curaeque ponetur, id iure laudabitur, ut in astrologia C. Sulpicium audivimus, in geometria Sex. Pompeium ipsi cognovimus, multos in dialecticis, plures in iure civili, quae omnes artes in veri investigatione versantur; cuius studio a rebus gerendis abduci contra officium est. Virtutis enim laus omnis in actione consistit; a qua tamen fit intermissio saepe multique dantur ad studia reditus; tum agitatio mentis, quae numquam adquiescit, potest nos in studiis cognitionis etiam sine opera nostra continere. Omnis autem cogitatio motusque animi aut in consiliis capiendis de rebus honestis et pertinentibus ad bene beateque vivendum aut in studiis scientiae cognitionisque versabitur. Ac de primo quidem officii fonte diximus.

7 20 De tribus autem reliquis latissime patet ea ratio, qua societas hominum inter ipsos et vitae quasi communitas continetur, cuius partes duae sunt; iustitia, in qua virtutis est splendor maximus, ex qua viri boni nominan-

tur, et huic coniuncta beneficentia, quam eandem vel benignitatem vel liberalitatem appellari licet. Sed iustitiae primum munus est, ut ne cui quis noceat nisi lacessitus iniuria, deinde ut communibus pro communibus utatur, privatis ut suis. Sunt autem privata nulla 21
natura, sed aut vetere occupatione, ut qui quondam in vacua venerunt, aut victoria, ut qui bello potiti sunt, aut lege, pactione, condicione, sorte; ex quo fit, ut ager Arpinas Arpinatium dicatur, Tusculanus Tusculanorum; similisque est privatarum possessionum discriptio. Ex quo, quia suum cuiusque fit eorum, quae natura fuerant communia, quod cuique obtigit, id quisque teneat; e quo si quis sibi appetet, violabit ius humanae societatis. Sed quoniam, ut praeclare scriptum est a Pla- 22
tone, non nobis solum nati sumus ortusque nostri partem patria vindicat, partem amici, atque, ut placet Stoicis, quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre mutatione officiorum, dando accipiendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem. Fun- 23
damentum autem est iustitiae fides, id est dictorum conventorumque constantia et veritas. Ex quo, quamquam hoc videbitur fortasse cuipiam durius, tamen audeamus imitari Stoicos, qui studiose exquirunt, unde verba sint ducta, credamusque, quia fiat, quod dictum est, appellatam fidem.

Sed iniustitiae genera duo sunt, unum eorum, qui inferunt, alterum eorum, qui ab iis, quibus infertur, si possunt, non propulsant iniuriam. Nam qui iniuste

impetum in quempiam facit aut ira aut aliqua perturbatione incitatus, is quasi manus afferre videtur socio; qui autem non defendit nec obsistit, si potest, iniuriae, tam est in vitio, quam si parentes aut amicos aut pa-
24 triam deserat. Atque illae quidem iniuriae, quae nocendi causa de industria inferuntur, saepe a metu proficiscuntur, cum is, qui nocere alteri cogitat, timet, ne, nisi id fecerit, ipse aliquo afficiatur incommodo. Maximam autem partem ad iniuriam faciendam adgrediuntur, ut adipiscantur ea, quae concupiverunt; in quo vitio latissime patet avaritia.

8
25 Expetuntur autem divitiae cum ad usus vitae necessarios, tum ad perfruendas voluptates. In quibus autem maior est animus, in iis pecuniae cupiditas spectat ad opes et ad gratificandi facultatem, ut nuper M. Crassus negabat ullam satis magnam pecuniam esse ei, qui in re publica princeps vellet esse, cuius fructibus exercitum alere non posset. Delectant etiam magnifici apparatus vitaeque cultus cum elegantia et copia; quibus rebus effectum est, ut infinita pecuniae cupiditas esset. Nec vero rei familiaris amplificatio nemini nocens vituperanda est, sed fugienda semper iniuria est.
26 Maxume autem adducuntur plerique, ut eos iustitiae capiat oblivio, cum in imperiorum, honorum, gloriae cupiditatem inciderunt. Quod enim est apud Ennium:

Núlla sancta sócietas
Néc fides regni ést,

id latius patet. Nam quicquid eius modi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut difficillimum sit servare "sanctam societatem." Declaravit id modo temeritas C. Caesaris, qui omnia iura divina et humana pervertit propter eum,

quem sibi ipse opinionis errore finxerat, principatum. Est autem in hoc genere molestum, quod in maximis animis splendidissimisque ingeniis plerumque existunt honoris, imperii, potentiae, gloriae cupiditates. Quo magis cavendum est, ne quid in eo genere peccetur. Sed in omni iniustitia permultum interest, utrum per- 27
turbatione aliqua animi, quae plerumque brevis est et ad tempus, an consulto et cogitata fiat iniuria. Leviora enim sunt ea, quae repentino aliquo motu accidunt, quam ea, quae meditata et praeparata inferuntur. Ac de inferenda quidem iniuria satis dictum est.

Praetermittendae autem defensionis deserendique 9 28
officii plures solent esse causae; nam aut inimicitias aut laborem aut sumptus suscipere nolunt aut etiam neglegentia, pigritia, inertia aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos esse patiantur. Itaque videndum est, ne non satis sit id, quod apud Platonem est in philosophos dictum, quod in veri investigatione versentur quodque ea, quae plerique vehementer expetant, de quibus inter se digladiari soleant, contemnant et pro nihilo putent, propterea iustos esse. Nam alterum assequuntur, inferenda ne cui noceant iniuria, in altero delinquunt; discendi enim studio impediti, quos tueri debent, deserunt. Itaque eos ne ad rem publicam quidem accessuros putat nisi coactos. Aequius autem erat id voluntate fieri; nam hoc ipsum ita iustum est, quod recte fit, si est voluntarium. Sunt etiam, qui aut 29
studio rei familiaris tuendae aut odio quodam hominum suum se negotium agere dicant nec facere cuiquam videantur iniuriam. Qui altero genere iniustitiae vacant, in alterum incurrunt; deserunt enim vitae socie-

tatem, quia nihil conferunt in eam studii, nihil operae, nihil facultatum.

Quando igitur duobus generibus iniustitiae propositis adiunximus causas utriusque generis easque res ante constituimus, quibus iustitia contineretur, facile, quod cuiusque temporis officium sit, poterimus, nisi nosmet ipsos valde amabimus, iudicare; est enim difficilis cura
30 rerum alienarum. Quamquam Terentianus ille Chremes "humani nihil a se alienum putat;" sed tamen, quia magis ea percipimus atque sentimus, quae nobis ipsis aut prospera aut adversa eveniunt, quam illa, quae ceteris, quae quasi longo intervallo interiecto videmus, aliter de illis ac de nobis iudicamus. Quocirca bene praecipiunt, qui vetant quicquam agere, quod dubites aequum sit an iniquum. Aequitas enim lucet ipsa per se, dubitatio cogitationem significat iniuriae.

10
31 Sed incidunt saepe tempora, cum ea, quae maxime videntur digna esse iusto homine eoque, quem virum bonum dicimus, commutantur fiuntque contraria, ut reddere depositum, facere promissum; quaeque pertinent ad veritatem et ad fidem, ea migrare interdum et non servare fit iustum. Referri enim decet ad ea, quae posui principio, fundamenta iustitiae, primum ut ne cui noceatur, deinde ut communi utilitati serviatur. Ea cum tempore commutantur, commutatur officium
32 et non semper est idem. Potest enim accidere promissum aliquod et conventum, ut id effici sit inutile vel ei, cui promissum sit, vel ei, qui promiserit. Nam si, ut in fabulis est, Neptunus, quod Theseo promiserat, non fecisset, Theseus Hippolyto filio non esset orbatus; ex tribus enim optatis, ut scribitur, hoc erat tertium, quod de Hippolyti interitu iratus optavit; quo impetrato in

maximos luctus incidit. Nec promissa igitur servanda sunt ea, quae sint iis, quibus promiseris, inutilia, nec, si plus tibi ea noceant quam illi prosint, cui promiseris, contra officium est maius anteponi minori; ut, si constitueris cuipiam te advocatum in rem praesentem esse venturum atque interim graviter aegrotare filius coeperit, non sit contra officium non facere, quod dixeris, magisque ille, cui promissum sit, ab officio discedat, si se destitutum queratur. Iam illis promissis standum non esse quis non videt, quae coactus quis metu, quae deceptus dolo promiserit? quae quidem pleraque iure praetorio liberantur, non nulla legibus.

33 Existunt etiam saepe iniuriae calumnia quadam et nimis callida, sed malitiosa iuris interpretatione. Ex quo illud "Summum ius summa iniuria" factum est iam tritum sermone proverbium. Quo in genere etiam in re publica multa peccantur, ut ille, qui, cum triginta dierum essent cum hoste indutiae factae, noctu populabatur agros, quod dierum essent pactae, non noctium indutiae. Ne noster quidem probandus, si verum est Q. Fabium Labeonem seu quem alium (nihil enim habeo praeter auditum) arbitrum Nolanis et Neapolitanis de finibus a senatu datum, cum ad locum venisset, cum utrisque separatim locutum, ne cupide quid agerent, ne adpetenter, atque ut regredi quam progredi mallent. Id cum utrique fecissent, aliquantum agri in medio relictum est. Itaque illorum finis sic, ut ipsi dixerant, terminavit; in medio relictum quod erat, populo Romano adiudicavit. Decipere hoc quidem est, non iudicare. Quocirca in omni est re fugienda talis sollertia.

11 Sunt autem quaedam officia etiam adversus eos ser-

vanda, a quibus iniuriam acceperis. Est enim ulciscendi et puniendi modus; atque haud scio an satis sit eum, qui lacessierit, iniuriae suae paenitere, ut et ipse ne quid tale posthac et ceteri sint ad iniuriam tar-
34 diores. Atque in re publica maxime conservanda sunt iura belli. Nam cum sint duo genera decertandi, unum per disceptationem, alterum per vim, cumque illud proprium sit hominis, hoc beluarum, confugiendum est
35 ad posterius, si uti non licet superiore. Quare suscipienda quidem bella sunt ob eam causam, ut sine iniuria in pace vivatur, parta autem victoria conservandi ii, qui non crudeles in bello, non inmanes fuerunt, ut maiores nostri Tusculanos, Aequos, Volscos, Sabinos, Hernicos in civitatem etiam acceperunt, at Karthaginem et Numantiam funditus sustulerunt; nollem Corinthum, sed credo aliquid secutos, oportunitatem loci maxume, ne posset aliquando ad bellum faciendum locus ipse adhortari. Mea quidem sententia paci, quae nihil habitura sit insidiarum, semper est consulendum. In quo si mihi esset optemperatum, si non optumam, at aliquam rem publicam, quae nunc nulla est, haberemus. Et cum iis, quos vi deviceris, consulendum est, tum ii, qui armis positis ad imperatorum fidem confugient, quamvis murum aries percusserit, recipiendi. In quo tantopere apud nostros iustitia culta est, ut ii, qui civitates aut nationes devictas bello in fidem recepissent,
36 earum patroni essent more maiorum. Ac belli quidem aequitas sanctissime† fetiali populi Romani iure perscripta est. Ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum. [Popilius imperator tenebat provinciam, in cuius exercitu Catonis filius tiro mili-

tabat. Cum autem Popilio videretur unam dimittere
legionem, Catonis quoque filium, qui in eadem legione
militabat, dimisit. Sed cum amore pugnandi in exercitu
remansisset, Cato ad Popilium scripsit, ut, si eum pati-
tur in exercitu remanere, secundo eum obliget militiae
sacramento, quia priore amisso iure cum hostibus pug-
nare non poterat. Adeo summa erat observatio in bello 37
movendo.] M. quidem Catonis senis est epistula ad
M. filium, in qua scribit se audisse eum missum factum
esse a consule, cum in Macedonia bello Persico miles
esset. Monet igitur, ut caveat, ne proelium ineat;
negat enim ius esse, qui miles non sit, cum hoste pug-
nare. Equidem etiam illud animadverto, quod, qui **12**
proprio nomine perduellis esset, is hostis vocaretur,
lenitate verbi rei tristitiam mitigatam. Hostis enim
apud maiores nostros is dicebatur, quem nunc peregri-
num dicimus. Indicant duodecim tabulae: AUT STATUS
DIES CUM HOSTE, itemque: ADVERSUS HOSTEM AETERNA
AUCTORITAS. Quid ad hanc mansuetudinem addi potest,
eum, quicum bellum geras, tam molli nomine appel-
lare? Quamquam id nomen durius effecit iam vetustas;
a peregrino enim recessit et proprie in eo, qui arma
contra ferret, remansit. Cum vero de imperio decer- 38
tatur belloque quaeritur gloria, causas omnino subesse
tamen oportet easdem, quas dixi paulo ante iustas
causas esse bellorum. Sed ea bella, quibus imperii
proposita gloria est, minus acerbe gerenda sunt. Ut
enim cum civi aliter contendimus, si est inimicus, aliter,
si competitor (cum altero certamen honoris et dignita-
tis est, cum altero capitis et famae), sic cum Celtiberis,
cum Cimbris bellum ut cum inimicis gerebatur, uter
esset, non uter imperaret, cum Latinis, Sabinis, Sam-

nitibus, Poenis, Pyrrho de imperio dimicabatur. Poeni foedifragi, crudelis Hannibal, reliqui iustiores. Pyrrhi quidem de captivis reddendis illa praeclara:

Nec mi aurum posco nec mi pretium dederitis;
Non cauponantes bellum, sed belligerantes
Ferro, non auro vitam cernamus utrique.
Vosne velit an me regnare era quidve ferat Fors,
Virtute experiamur. Et hoc simul accipe dictum:
Quorum virtuti belli fortuna pepercit,
Eorundem libertati me parcere certum est.
Dono, ducite, doque volentibus cum magnis dis.

Regalis sane et digna Aeacidarum genere sententia.

13 Atque etiam si quid singuli temporibus adducti
39 hosti promiserunt, est in eo ipso fides conservanda, ut
primo Punico bello Regulus captus a Poenis cum de
captivis commutandis Romam missus esset iurassetque
se rediturum, primum, ut venit, captivos reddendos in
senatu non censuit, deinde, cum retineretur a propin-
quis et ab amicis, ad supplicium redire maluit quam
40 fidem hosti datam fallere. [Secundo autem Punico
bello post Cannensem pugnam quos decem Hannibal
Romam astrictos misit iure iurando se redituros esse,
nisi de redimendis iis, qui capti erant, impetrassent,
eos omnes censores, quoad quisque eorum vixit, qui
peierassent, in aerariis reliquerunt nec minus illum, qui
iuris iurandi fraude culpam invenerat. Cum enim
Hannibalis permissu exisset de castris, rediit paulo
post, quod se oblitum nescio quid diceret; deinde
egressus e castris iure iurando se solutum putabat, et
erat verbis, re non erat. Semper autem in fide quid
senseris, non quid dixeris, cogitandum. Maximum
autem exemplum est iustitiae in hostem a maioribus
nostris constitutum, cum a Pyrrho perfuga senatui est

pollicitus se venenum regi daturum et eum necaturum,
senatus et C. Fabricius perfugam Pyrrho dedidit. Ita
ne hostis quidem et potentis et bellum ultro inferentis
interitum cum scelere approbavit.] Ac de bellicis 41
quidem officiis satis dictum est. Meminerimus autem
etiam adversus infimos iustitiam esse servandam. Est
autem infima condicio et fortuna servorum, quibus non
male praecipiunt qui ita iubent uti, ut mercennariis:
operam exigendam, iusta praebenda. Cum autem duobus modis, id est aut vi aut fraude, fiat iniuria, fraus
quasi vulpeculae, vis leonis videtur; utrumque homine
alienissimum, sed fraus odio digna maiore. Totius
autem iniustitiae nulla capitalior quam eorum, qui tum,
cum maxime fallunt, id agunt, ut viri boni esse videantur. De iustitia satis dictum.

Deinceps, ut erat propositum, de beneficentia ac de 14 42
liberalitate dicatur, qua quidem nihil est naturae hominis accommodatius, sed habet multas cautiones. Videndum est enim, primum ne obsit benignitas et iis ipsis,
quibus benigne videbitur fieri, et ceteris, deinde ne
maior benignitas sit quam facultates; tum ut pro dignitate cuique tribuatur; id enim est iustitiae fundamentum, ad quam haec referenda sunt omnia. Nam et
qui gratificantur cuipiam, quod obsit illi, cui prodesse
velle videantur, non benefici neque liberales, sed perniciosi adsentatores iudicandi sunt, et qui aliis nocent,
ut in alios liberales sint, in eadem sunt iniustitia, ut si
in suam rem aliena convertant. Sunt autem multi, et 43
quidem cupidi splendoris et gloriae, qui eripiunt aliis,
quod aliis largiantur, iique arbitrantur se beneficos in
suos amicos visum iri, si locupletent eos quacumque
ratione. Id autem tantum abest ab officio, ut nihil

magis officio possit esse contrarium. Videndum est
igitur, ut ea liberalitate utamur, quae prosit amicis,
noceat nemini. Quare L. Sullae, C. Caesaris pecunia-
rum translatio a iustis dominis ad alienos non debet
liberalis videri; nihil est enim liberale, quod non idem
44 iustum. Alter locus erat cautionis, ne benignitas maior
esset quam facultates, quod, qui benigniores volunt
esse, quam res patitur, primum in eo peccant, quod
iniuriosi sunt in proximos; quas enim copias his et
suppeditari aequius est et relinqui, eas transferunt
ad alienos. Inest autem in tali liberalitate cupiditas
plerumque rapiendi et auferendi per iniuriam, ut ad
largiendum suppetant copiae. Videre etiam licet ple-
rosque non tam natura liberales quam quadam gloria
ductos, ut benefici videantur, facere multa, quae pro-
ficisci ab ostentatione magis quam a voluntate videan-
tur. Talis autem simulatio vanitati est coniunctior
45 quam aut liberalitati aut honestati. Tertium est pro-
positum, ut in beneficentia dilectus esset dignitatis; in
quo et mores eius erunt spectandi, in quem beneficium
conferetur, et animus erga nos et communitas ac socie-
tas vitae et ad nostras utilitates officia ante conlata;
quae ut concurrant omnia, optabile est; si minus, plures
causae maioresque ponderis plus habebunt.

15
46 Quoniam autem vivitur non cum perfectis homini-
bus planeque sapientibus, sed cum iis, in quibus prae-
clare agitur si sunt simulacra virtutis, etiam hoc in-
tellegendum puto, neminem omnino esse neglegendum,
in quo aliqua significatio virtutis appareat, colendum
autem esse ita quemque maxime, ut quisque maxime
virtutibus his lenioribus erit ornatus, modestia, tem-
perantia, hac ipsa, de qua multa iam dicta sunt, iustitia.

Nam fortis animus et magnus in homine non perfecto nec sapiente ferventior plerumque est, illae virtutes bonum virum videntur potius attingere. Atque haec in moribus.

De benivolentia autem, quam quisque habeat erga 47
nos, primum illud est in officio, ut ei plurimum tribuamus, a quo plurimum diligamur, sed benivolentiam non adulescentulorum more ardore quodam amoris, sed stabilitate potius et constantia iudicemus. Sin erunt merita, ut non ineunda, sed referenda sit gratia, maior quaedam cura adhibenda est; nullum enim officium referenda gratia magis necessarium est. Quodsi ea, 48
quae utenda acceperis, maiore mensura, si modo possis, iubet reddere Hesiodus, quidnam beneficio provocati facere debemus? an imitari agros fertiles, qui multo plus efferunt quam acceperunt? Etenim si in eos, quos speramus nobis profuturos, non dubitamus officia conferre, quales in eos esse debemus, qui iam profuerunt? Nam cum duo genera liberalitatis sint, unum dandi beneficii, alterum reddendi, demus necne, in nostra potestate est, non reddere viro bono non licet, modo id facere possit sine iniuria. Acceptorum autem benefici- 49
orum sunt dilectus habendi, nec dubium, quin maximo cuique plurimum debeatur. In quo tamen in primis, quo quisque animo, studio, benivolentia fecerit, ponderandum est. Multi enim faciunt multa temeritate quadam sine iudicio vel morbo in omnes vel repentino quodam quasi vento impetu animi incitati; quae beneficia aeque magna non sunt habenda atque ea, quae indicio, considerate constanterque delata sunt. Sed in collocando beneficio et in referenda gratia, si cetera paria sunt, hoc maxume officii est, ut quisque maxume

opis indigeat, ita ei potissimum opitulari; quod contra
fit a plerisque; a quo enim plurimum sperant, etiamsi
ille iis non eget, tamen ei potissimum inserviunt.

16 Optime autem societas hominum coniunctioque ser-
50 vabitur, si, ut quisque erit coniunctissimus, ita in eum
benignitatis plurimum conferetur. Sed, quae naturae
principia sint communitatis et societatis humanae, repe-
tendum videtur altius; est enim primum, quod cerni-
tur in universi generis humani societate. Eius autem
vinculum est ratio et oratio, quae docendo, discendo,
communicando, disceptando, iudicando conciliat inter
se homines coniungitque naturali quadam societate;
neque ulla re longius absumus a natura ferarum, in
quibus inesse fortitudinem saepe dicimus, ut in equis,
in leonibus, iustitiam, aequitatem, bonitatem non dici-
51 mus; sunt enim rationis et orationis expertes. Ac
latissime quidem patens hominibus inter ipsos, omni-
bus inter omnes societas haec est; in qua omnium re-
rum, quas ad communem hominum usum natura ge-
nuit, est servanda communitas, ut, quae discripta sunt
legibus et iure civili, haec ita teneantur, ut sit constitu-
tum legibus ipsis, cetera sic observentur, ut in Grae-
corum proverbio est, amicorum esse communia omnia.
Omnium autem communia hominum videntur ea, quae
sunt generis eius, quod ab Ennio positum in una re
transferri in permultas potest:

> Homó, qui erranti cómiter monstrát viam,
> Quasi lúmen de suo lúmine accendát, facit.
> Nihiló minus ipsi lúcet, cum illi accénderit.

Una ex re satis praecipit, ut, quicquid sine detrimento
commodari possit, id tribuatur vel ignoto; ex quo sunt
illa communia: non prohibere aqua profluente, pati ab

igne ignem capere, si qui velit, consilium fidele delibe-
ranti dare, quae sunt iis utilia, qui accipiunt, danti non
molesta. Quare et his utendum est et semper aliquid
ad communem utilitatem afferendum. Sed quoniam
copiae parvae singulorum sunt, eorum autem, qui his
egeant, infinita est multitudo, vulgaris liberalitas refe-
renda est ad illum Enni finem: "Nihilo minus ipsi
lucet," ut facultas sit, qua in nostros simus liberales.

Gradus autem plures sunt societatis hominum. Ut 17 53
enim ab illa infinita discedatur, propior est eiusdem
gentis, nationis, linguae, qua maxume homines con-
iunguntur; interius etiam est eiusdem esse civitatis;
multa enim sunt civibus inter se communia, forum,
fana, porticus, viae, leges, iura, iudicia, suffragia, con-
suetudines praeterea et familiaritates multisque cum
multis res rationesque contractae. Artior vero colli-
gatio est societatis propinquorum; ab illa enim in-
mensa societate humani generis in exiguum angustum-
que concluditur. Nam cum sit hoc natura commune 54
animantium, ut habeant lubidinem procreandi, prima
societas in ipso coniugio est, proxima in liberis, deinde
una domus, communia omnia; id autem est principium
urbis et quasi seminarium rei publicae. Sequuntur fra-
trum coniunctiones, post consobrinorum sobrinorum-
que, qui cum una domo iam capi non possint, in alias
domos tamquam in colonias exeunt. Sequuntur conu-
bia et adfinitates, ex quibus etiam plures propinqui;
quae propagatio et suboles origo est rerum publicarum.
Sanguinis autem coniunctio et benivolentia devincit
homines *et* caritate; magnum est enim eadem habere 55
monumenta maiorum, eisdem uti sacris, sepulcra habere
communia. Sed omnium societatum nulla praestantior

est, nullá firmior, quam cum viri boni moribus similes sunt familiaritate coniuncti; illud enim honestum, quod saepe dicimus, etiam si in alio cernimus, [tamen] nos movet atque illi, in quo id inesse videtur, amicos facit.
56 Et quamquam omnis virtus nos ad se allicit facitque, ut eos diligamus, in quibus ipsa inesse videatur, tamen iustitia et liberalitas id maxime efficit. Nihil autem est amabilius nec copulatius quam morum similitudo bonorum; in quibus enim eadem studia sunt, eaedem voluntates, in iis fit ut aeque quisque altero delectetur ac se ipso, efficiturque id, quod Pythagoras vult in amicitia, ut unus fiat ex pluribus. Magna etiam illa communitas est, quae conficitur ex beneficiis ultro et citro datis acceptis, quae et mutua et grata dum sunt,
57 inter quos ea sunt, firma devinciuntur societate. Sed cum omnia ratione animoque lustraris, omnium societatum nulla est gravior, nulla carior quam ea, quae cum re publica est uni cuique nostrum. Cari sunt parentes, cari liberi, propinqui, familiares, sed omnes omnium caritates patria una complexa est, pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? Quo est detestabilior istorum inmanitas, qui lacerarunt omni scelere patriam et in ea funditus delenda occupati et
58 sunt et fuerunt. Sed si contentio quaedam et comparatio fiat, quibus plurimum tribuendum sit officii, principes sint patria et parentes, quorum beneficiis maximis obligati sumus, proximi liberi totaque domus, quae spectat in nos solos neque aliud ullum potest habere perfugium, deinceps bene convenientes propinqui, quibuscum communis etiam fortuna plerumque est. Quam ob rem necessaria praesidia vitae debentur iis maxime, quos ante dixi, vita autem victusque communis, consilia,

sermones, cohortationes, consolationes, interdum etiam
obiurgationes in amicitiis vigent maxime, estque ea
iucundissima amicitia, quam similitudo morum coniu-
gavit.

Sed in his omnibus officiis tribuendis videndum erit, 18 59
quid cuique maxime necesse sit, et quid quisque vel
sine nobis aut possit consequi aut non possit. Ita non
iidem erunt necessitudinum gradus, qui temporum;
suntque officia, quae aliis magis quam aliis debeantur;
ut vicinum citius adiuveris in fructibus percipiendis
quam aut fratrem aut familiarem, at, si lis in iudicio sit,
propinquum potius et amicum quam vicinum defende-
ris. Haec igitur et talia circumspicienda sunt in omni
officio [et consuetudo exercitatioque capienda], ut boni
ratiocinatores officiorum esse possimus et addendo de-
ducendoque videre, quae reliqui summa fiat, ex quo,
quantum cuique debeatur, intellegas. Sed ut nec me- 60
dici nec imperatores nec oratores, quamvis artis prae-
cepta perceperint, quicquam magna laude dignum sine
usu et exercitatione consequi possunt, sic officii con-
servandi praecepta traduntur illa quidem, ut facimus
ipsi, sed rei magnitudo usum quoque exercitationemque
desiderat. Atque ab iis rebus, quae sunt in iure socie-
tatis humanae, quem ad modum ducatur honestum, ex
quo aptum est officium, satis fere diximus.

Intellegendum autem est, cum proposita sint genera 61
quattuor, e quibus honestas officiumque manaret, splen-
didissimum videri, quod animo magno elatoque hu-
manasque res despiciente factum sit. Itaque in pro-
bris maxime in promptu est, si quid tale dici potest:

Vós enim, iuvenes, ánimum geritis múliebrem, illa virgó viri,

et sí quid eius modi:

Salmácida, spolia síne sudore et sánguine.

Contraque in laudibus, quae magno animo et fortiter excellenterque gesta sunt, ea nescio quo modo quasi pleniore ore laudamus. Hinc rhetorum campus de Marathone, Salamine, Plataeis, Thermopylis, Leuctris, *hinc* noster Cocles, hinc Decii, hinc Cn. et P. Scipiones, hinc M. Marcellus, innumerabiles alii, maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicae gloriae, quod statuas quoque videmus ornatu fere militari.

19
62 Sed ea animi elatio, quae cernitur in periculis et la-
boribus, si iustitia vacat pugnatque non pro salute com-
muni, sed pro suis commodis, in vitio est; non modo
enim id virtutis non est, sed est potius inmanitatis om-
nem humanitatem repellentis. Itaque probe definitur
a Stoicis fortitudo, cum eam virtutem esse dicunt pro-
pugnantem pro aequitate. Quocirca nemo, qui fortitu-
dinis gloriam consecutus est insidiis et malitia, laudem
est adeptus; nihil enim honestum esse potest, quod ius-
63 titia vacat. Praeclarum igitur illud Platonis: "Non,"
inquit, "solum scientia, quae est remota ab iustitia,
calliditas potius quam sapientia est appellanda, verum
etiam animus paratus ad periculum, si sua cupiditate,
non utilitate communi inpellitur, audaciae potius no-
men habeat quam fortitudinis." Itaque viros fortes et
magnanimos eosdem bonos et simplices, veritatis ami-
cos minimeque fallaces esse volumus; quae sunt ex
64 media laude iustitiae. Sed illud odiosum est, quod in
hac elatione et magnitudine animi facillime pertinacia
et nimia cupiditas principatus innascitur. Ut enim
apud Platonem est, omnem morem Lacedaemoniorum
inflammatum esse cupiditate vincendi, sic, ut quisque

animi magnitudine maxume excellit, ita maxume vult princeps omnium vel potius solus esse. Difficile autem est, cum praestare omnibus concupieris, servare aequitatem, quae est iustitiae maxume propria. Ex quo fit, ut neque disceptatione vinci se nec ullo publico ac legitimo iure patiantur, existuntque in re publica plerumque largitores et factiosi, ut opes quam maxumas consequantur et sint vi potius superiores quam iustitia pares. Sed quo difficilius, hoc praeclarius; nullum enim est tempus, quod iustitia vacare debeat. 65 Fortes igitur et magnanimi sunt habendi, non qui faciunt, sed qui propulsant iniuriam. Vera autem et sapiens animi magnitudo honestum illud, quod maxume natura sequitur, in factis positum, non in gloria indicat principemque se esse mavult quam videri; etenim qui ex errore imperitae multitudinis pendet, hic in magnis viris non est habendus. Facillime autem ad res iniustas inpellitur, ut quisque altissimo animo est, gloriae cupiditate; qui locus est sane lubricus, quod vix invenitur, qui laboribus susceptis periculisque aditis non quasi mercedem rerum gestarum desideret gloriam.

20 66 Omnino fortis animus et magnus duabus rebus maxime cernitur, quarum una in rerum externarum despicientia ponitur, cum persuasum est nihil hominem, nisi quod honestum decorumque sit, aut admirari aut optare aut expetere oportere nullique neque homini neque perturbationi animi nec fortunae subcumbere. Altera est res, ut, cum ita sis affectus animo, ut supra dixi, res geras magnas illas quidem et maxume utiles, sed [ut] vehementer arduas plenasque laborum et periculorum cum vitae, tum multarum rerum, quae ad vitam pertinent. 67 Harum rerum duarum splendor

omnis, amplitudo, addo etiam utilitatem, in posteriore est, causa autem et ratio efficiens magnos viros in priore; in eo est enim illud, quod excellentes animos et humana contemnentes facit. Id autem ipsum cernitur in duobus, si et solum id, quod honestum sit, bonum iudices et ab omni animi perturbatione liber sis. Nam et ea, quae eximia plerisque et praeclara videntur, parva ducere eaque ratione stabili firmaque contemnere fortis animi magnique ducendum est, et ea, quae videntur acerba, quae multa et varia in hominum vita fortunaque versantur, ita ferre, ut nihil a statu naturae discedas, nihil a dignitate sapientis, robusti animi est mag-
68 naeque constantiae. Non est autem consentaneum, qui metu non frangatur, eum frangi cupiditate nec, qui invictum se a labore praestiterit, vinci a voluptate. Quam ob rem et haec vitanda et pecuniae fugienda cupiditas; nihil enim est tam angusti animi tamque parvi quam amare divitias, nihil honestius magnificentiusque quam pecuniam contemnere, si non habeas, si habeas, ad beneficentiam liberalitatemque conferre. Cavenda etiam est gloriae cupiditas, ut supra dixi; eripit enim libertatem, pro qua magnanimis viris omnis debet esse contentio. Nec vero imperia expetenda ac potius aut non accipienda interdum aut deponenda non numquam.
69 Vacandum autem omni est animi perturbatione, cum cupiditate et metu, tum etiam aegritudine et voluptate nimia et iracundia, ut tranquillitas animi et securitas adsit, quae affert cum constantiam, tum etiam dignitatem. Multi autem et sunt et fuerunt, qui eam, quam dico, tranquillitatem expetentes a negotiis publicis se removerint ad otiumque perfugerint; in his et nobilissimi philosophi longeque principes et quidam homines

severi et graves nec populi nec principum mores ferre
potuerunt, vixeruntque non nulli in agris delectati re
sua familiari. His idem propositum fuit, quod regi- 70
bus, ut ne qua re egerent, ne cui parerent, libertate ute-
rentur, cuius proprium est sic vivere, ut velis. Quare **21**
cum hoc commune sit potentiae cupidorum cum iis,
quos dixi, otiosis, alteri se adipisci id posse arbitrantur,
si opes magnas habeant, alteri, si contenti sint et suo et
parvo. In quo neutrorum omnino contemnenda sen-
tentia est, sed et facilior et tutior et minus aliis gravis
aut molesta vita est otiosorum, fructuosior autem homi-
num generi et ad claritatem amplitudinemque aptior
eorum, qui se ad rem publicam et ad magnas res ge-
rendas accommodaverunt. Quapropter et iis forsitan 71
concedendum sit rem publicam non capessentibus, qui
excellenti ingenio doctrinae sese dediderunt, et iis, qui
aut valetudinis inbecillitate aut aliqua graviore causa
impediti a re publica recesserunt, cum eius admini-
strandae potestatem aliis laudemque concederent. Qui-
bus autem talis nulla sit causa, si despicere se dicant
ea, quae plerique mirentur, imperia et magistratus, iis
non modo non laudi, verum etiam vitio dandum puto;
quorum iudicium in eo, quod gloriam contemnant et
pro nihilo putent, difficile factu est non probare; sed
videntur labores et molestias, tum offensionum et re-
pulsarum quasi quandam ignominiam timere et infa-
miam. Sunt enim, qui in rebus contrariis parum sibi
constent, voluptatem severissime contemnant, in dolore
sint molliores, gloriam neglegant, frangantur infamia,
atque ea quidem non satis constanter. Sed iis, qui ha- 72
bent a natura adiumenta rerum gerendarum, abiecta
omni cunctatione adipiscendi magistratus et gerenda

res publica est; nec enim aliter aut regi civitas aut de-
clarari animi magnitudo potest. Capessentibus autem
rem publicam nihilo minus quam philosophis, haud scio
an magis etiam et magnificentia et despicientia adhi-
benda est rerum humanarum, quam saepe dico, et tran-
quillitas animi atque securitas, siquidem nec anxii fu-
73 turi sunt et cum gravitate constantiaque victuri. Quae
faciliora sunt philosophis, quo minus multa patent in
eorum vita, quae fortuna feriat, et quo minus multis
rebus egent, et quia, si quid adversi eveniat, tam gra-
viter cadere non possunt. Quocirca non sine causa
maiores motus animorum concitantur maioraque *studia*
efficiendi rem publicam gerentibus quam quietis, quo
magis iis et magnitudo est animi adhibenda et vacuitas
ab angoribus. Ad rem gerendam autem qui accedit,
caveat, ne id modo consideret, quam illa res honesta sit,
sed etiam ut habeat efficiendi facultatem; in quo ipso
considerandum est, ne aut temere desperet propter
ignaviam aut nimis confidat propter cupiditatem. In
omnibus autem negotiis, prius quam adgrediare, adhi-
benda est praeparatio diligens.

22
74 Sed cum plerique arbitrentur res bellicas maiores
esse quam urbanas, minuenda est haec opinio. Multi
enim bella saepe quaesiverunt propter gloriae cupidi-
tatem, atque id in magnis animis ingeniisque plerumque
contingit, eoque magis, si sunt ad rem militarem apti
et cupidi bellorum gerendorum; vere autem si volumus
iudicare, multae res extiterunt urbanae maiores clario-
75 resque quam bellicae. Quamvis enim Themistocles
iure laudetur et sit eius nomen quam Solonis inlustrius
citeturque Salamis clarissimae testis victoriae, quae an-
teponatur consilio Solonis ei, quo primum constituit

Areopagitas, non minus praeclarum hoc quam illud iudicandum est; illud enim semel profuit, hoc semper proderit civitati; hoc consilio leges Atheniensium, hoc maiorum instituta servantur; et Themistocles quidem nihil dixerit, in quo ipse Areopagum adiuverit, at ille vere *a* se adiutum Themistoclem; est enim bellum gestum consilio senatus eius, qui a Solone erat constitutus. Licet eadem de Pausania Lysandroque dicere, quorum 76
rebus gestis quamquam imperium Lacedaemoniis *partum* putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinae conferendi sunt; quin etiam ob has ipsas causas et parentiores habuerunt exercitus et fortiores. Mihi quidem neque pueris nobis M. Scaurus C. Mario neque, cum versaremur in re publica, Q. Catulus Cn. Pompeio cedere videbatur; parvi enim sunt foris arma, nisi est consilium domi; nec plus Africanus, singularis et vir et imperator, in excindenda Numantia rei publicae profuit quam eodem tempore P. Nasica privatus, cum Ti. Gracchum interemit; quamquam haec quidem res non solum ex domestica est ratione (attingit etiam bellicam, quoniam vi manuque confecta est), sed tamen id ipsum est gestum consilio urbano sine exercitu. Illud autem optimum est, in 77
quod invadi solere ab inprobis et invidis audio:

Cedant arma togae, concedat laurea laudi.

Ut enim alios omittam, nobis rem publicam gubernantibus nonne togae arma cesserunt? neque enim periculum in re publica fuit gravius umquam nec maius otium. Ita consiliis diligentiaque nostrā celeriter de manibus audacissimorum civium delapsa arma ipsa ceciderunt. Quae res igitur gesta umquam in bello tanta? qui triumphus conferendus? licet enim mihi, M. fili, 78

apud te gloriari, ad quem et hereditas huius gloriae et factorum imitatio pertinet. Mihi quidem certe vir abundans bellicis laudibus, Cn. Pompeius, multis audientibus hoc tribuit, ut diceret frustra se triumphum tertium deportaturum fuisse, nisi meo in rem publicam beneficio, ubi triumpharet, esset habiturus. Sunt igitur domesticae fortitudines non inferiores militaribus; in quibus plus etiam quam in his operae studiique ponendum est.

23 79 Omnino illud honestum, quod ex animo excelso magnificoque quaerimus, animi efficitur, non corporis viribus. Exercendum tamen corpus et ita afficiendum est, ut oboedire consilio rationique possit in exsequendis negotiis et in labore tolerando. Honestum autem id, quod exquirimus, totum est positum in animi cura et cogitatione; in quo non minorem utilitatem afferunt, qui togati rei publicae praesunt, quam qui bellum gerunt. Itaque eorum consilio saepe aut non suscepta aut confecta bella sunt, non numquam etiam inlata, ut M. Catonis bellum tertium Punicum, in quo etiam
80 mortui valuit auctoritas. Quare expetenda quidem magis est decernendi ratio quam decertandi fortitudo, sed cavendum, ne id bellandi magis fuga quam utilitatis ratione faciamus. Bellum autem ita suscipiatur, ut nihil aliud nisi pax quaesita videatur.

Fortis vero animi et constantis est non perturbari in rebus asperis nec tumultuantem de gradu deici, ut dicitur, sed praesenti animo uti et consilio nec a ratione
81 discedere. Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura et aliquanto ante constituere, quid accidere possit in utramque partem, et quid agendum sit, cum quid evenerit, nec com-

mittere, ut aliquando dicendum sit: "Non putaram." Haec sunt opera magni animi et excelsi et prudentia consilioque fidentis; temere autem in acie versari et manu cum hoste confligere immane quiddam et beluarum simile est; sed cum tempus necessitasque postulat, decertandum manu est et mors servituti turpitudinique anteponenda.

De evertendis autem diripiendisque urbibus valde 24 82 considerandum est ne quid temere, ne quid crudeliter. Idque est magni viri, rebus agitatis punire sontes, multitudinem conservare, in omni fortuna recta atque honesta retinere. Ut enim sunt, quem ad modum supra dixi, qui urbanis rebus bellicas anteponant, sic reperias multos, quibus periculosa et calida consilia quietis et cogitatis splendidiora et maiora videantur. Numquam 83 omnino periculi fuga committendum est, ut inbelles timidique videamur, sed fugiendum illud etiam, ne offeramus nos periculis sine causa, quo esse nihil potest stultius. Quapropter in adeundis periculis consuetudo imitanda medicorum est, qui leviter aegrotantes leniter curant, gravioribus autem morbis periculosas curationes et ancipites adhibere coguntur. Quare in tranquillo tempestatem adversam optare dementis est, subvenire autem tempestati quavis ratione sapientis, eoque magis, si plus adipiscare re explicata boni quam addubitata mali. Periculosae autem rerum actiones partim iis sunt, qui eas suscipiunt, partim rei publicae. Itemque alii de vita, alii de gloria et benivolentia civium in discrimen vocantur. Promptiores igitur debemus esse ad nostra pericula quam ad communia dimicareque paratius de honore et gloria quam de ceteris commodis.

Inventi autem multi sunt, qui non modo pecuniam, 84

sed etiam vitam profundere pro patria parati essent, iidem gloriae iacturam ne minimam quidem facere vellent, ne re publica quidem postulante; ut Callicratidas, qui cum Lacedaemoniorum dux fuisset Peloponnesiaco bello multaque fecisset egregie, vertit ad extremum omnia, cum consilio non paruit eorum, qui classem ab Arginusis removendam nec cum Atheniensibus dimicandum putabant; quibus ille respondit Lacedaemonios classe illa amissa aliam parare posse, se fugere sine suo dedecore non posse. Atque haec quidem Lacedaemoniis plaga mediocris, illa pestifera, qua, cum Cleombrotus invidiam timens temere cum Epaminonda conflixisset, Lacedaemoniorum opes corruerunt. Quanto Q. Maximus melius! de quo Ennius:

> Unus homo nobis cunctando restituit rem.
> Noenum rumores ponebat ante salutem.
> Ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. Sunt enim, qui, quod sentiunt, etsi optimum sit, tamen invidiae metu non audent dicere.

25 85 Omnino qui rei publicae praefuturi sunt, duo Platonis praecepta teneant, unum, ut utilitatem civium sic tueantur, ut, quaecumque agunt, ad eam referant obliti commodorum suorum, alterum, ut totum corpus rei publicae curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim tutela, sic procuratio rei publicae ad eorum utilitatem, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est; qui autem parti civium consulunt, partem neglegunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam; ex quo evenit, ut alii populares, alii studiosi
86 optimi cuiusque videantur, pauci universorum. Hinc

apud Atheniensis magnae discordiae, in nostra re publica non solum seditiones, sed etiam pestifera bella civilia; quae gravis et fortis civis et in re publica dignus principatu fugiet atque oderit tradetque se totum rei publicae neque opes aut potentiam consectabitur totamque eam sic tuebitur, ut omnibus consulat; nec vero criminibus falsis in odium aut invidiam quemquam vocabit omninoque ita iustitiae honestatique adhaerescet, ut, dum ea conservet, quamvis graviter offendat mortemque oppetat potius quam deserat illa,
quae dixi. Miserrima omnino est ambitio honorumque 87
contentio, de qua praeclare apud eundem est Platonem, "similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautae certarent, quis eorum potissimum gubernaret." Idemque praecipit, ut "eos adversarios existimemus, qui arma contra ferant, non eos, qui suo iudicio tueri rem publicam velint," qualis fuit inter P. Africanum et Q. Metellum sine acerbitate dissensio.

Nec vero audiendi, qui graviter inimicis irascendum 88
putabunt idque magnanimi et fortis viri esse censebunt; nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementia. In liberis vero populis et in iuris aequabilitate exercenda etiam est facilitas et altitudo animi, quae dicitur, ne, si irascamur aut intempestive accedentibus aut inpudenter rogantibus, in morositatem inutilem et odiosam incidamus. Et tamen ita probanda est mansuetudo atque clementia, ut adhibeatur rei publicae causa severitas, sine qua administrari civitas non potest. Omnis autem et animadversio et castigatio contumelia vacare debet neque ad eius, qui punitur aliquem aut verbis castigat,

89 sed ad rei publicae utilitatem referri. Cavendum est
etiam, ne maior poena quam culpa sit, et ne isdem de
causis alii plectantur, alii ne appellentur quidem. Pro-
hibenda autem maxime est ira in puniendo; numquam
enim, iratus qui accedet ad poenam, mediocritatem
illam tenebit, quae est inter nimium et parum, quae
placet Peripateticis, et recte placet, modo ne laudarent
iracundiam et dicerent utiliter a natura datam. Illa
vero omnibus in rebus repudianda est optandumque, ut
ii, qui praesunt rei publicae, legum similes sint, quae
ad puniendum non iracundia, sed aequitate ducuntur.

26
90 Atque etiam in rebus prosperis et ad voluntatem
nostram fluentibus superbiam magnopere, fastidium
arrogantiamque fugiamus. Nam ut adversas res, sic
secundas inmoderate ferre levitatis est, praeclaraque
est aequabilitas in omni vita et idem semper vultus
eademque frons, ut de Socrate itemque de C. Laelio
accepimus. Philippum quidem, Macedonum regem,
rebus gestis et gloria superatum a filio, facilitate et
humanitate video superiorem fuisse; itaque alter sem-
per magnus, alter saepe turpissimus; ut recte prae-
cipere videantur, qui monent, ut quanto superiores
simus, tanto nos geramus summissius. Panaetius qui-
dem Africanum, auditorem et familiarem suum, soli-
tum ait dicere, "ut equos propter crebras contentiones
proeliorum ferocitate exultantes domitoribus tradere
soleant, ut iis facilioribus possint uti, sic homines se-
cundis rebus ecfrenatos sibique praefidentes tamquam
in gyrum rationis et doctrinae duci oportere ut per-
spicerent rerum humanarum inbecillitatem varietatem-
91 que fortunae." Atque etiam in secundissimis rebus
maxime est utendum consilio amicorum iisque maior

etiam quam ante tribuenda auctoritas. Isdemque temporibus cavendum est, ne assentatoribus patefaciamus auris neve adulari nos sinamus, in quo falli facile est; tales enim nos esse putamus, ut iure laudemur; ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus turpiter irridentur et in maximis versantur erroribus. Sed haec quidem hactenus. Illud autem 92
sic est iudicandum, maximas geri res et maximi animi ab iis, qui res publicas regant, quod earum administratio latissime pateat ad plurimosque pertineat; esse autem magni animi et fuisse multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quaedam seseque suarum rerum finibus continerent aut interiecti inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari non eam quidem omni ratione exaggerantes neque excludentes ab eius usu suos potiusque et amicis inpertientes et rei publicae, si quando usus esset. Quae primum bene parta sit nullo neque turpi quaestu neque odioso, deinde augeatur ratione, diligentia, parsimonia, tum quam plurimis, modo dignis, se utilem praebeat nec lubidini potius luxuriaeque quam liberalitati et beneficentiae pareat. Haec praescripta servantem licet magnifice, graviter animoseque vivere atque etiam simpliciter, fideliter, † vere hominum amice.

Sequitur, ut de una reliqua parte honestatis dicen- 27 93
dum sit, in qua verecundia et quasi quidam ornatus vitae, temperantia et modestia omnisque sedatio perturbationum animi et rerum modus cernitur. Hoc loco continetur id, quod dici Latine decorum potest; Graece enim πρέπον dicitur. Huius vis ea est, ut ab honesto non queat separari; nam et, quod decet, honestum est 94

et, quod honestum est, decet; qualis autem differentia sit honesti et decori, facilius intellegi quam explanari potest. Quicquid est enim, quod deceat, id tum apparet, cum antegressa est honestas. Itaque non solum in hac parte honestatis, de qua hoc loco disserendum est, sed etiam in tribus superioribus quid deceat apparet. Nam et ratione uti atque oratione prudenter et agere, quod agas, considerate omnique in re quid sit veri videre et tueri decet, contraque falli, errare, labi, decipi tam dedecet quam delirare et mente esse captum; et iusta omnia decora sunt, iniusta contra, ut turpia, sic indecora. Similis est ratio fortitudinis. Quod enim viriliter animoque magno fit, id dignum viro et decorum videtur, quod contra, id ut turpe, sic indecorum.

95 Quare pertinet quidem ad omnem honestatem hoc, quod dico, decorum, et ita pertinet, ut non recondita quadam ratione cernatur, sed sit in promptu. Est enim quiddam, idque intellegitur in omni virtute, quod deceat; quod cogitatione magis a virtute potest quam re separari. Ut venustas et pulchritudo corporis secerni non potest a valetudine, sic hoc, de quo loquimur, decorum totum illud quidem est cum virtute confusum,

96 sed mente et cogitatione distinguitur. Est autem eius discriptio duplex; nam et generale quoddam decorum intellegimus, quod in omni honestate versatur, et aliud huic subiectum, quod pertinet ad singulas partes honestatis. Atque illud superius sic fere definiri solet: decorum id esse, quod consentaneum sit hominis excellentiae in eo, in quo natura eius a reliquis animantibus differat. Quae autem pars subiecta generi est, eam sic definiunt, ut id decorum velint esse, quod ita naturae consentaneum sit, ut in eo moderatio et temperantia

appareat cum specie quadam liberali. Haec ita intellegi 28 97 possumus existimare ex eo decoro, quod poëtae sequuntur; de quo alio loco plura dici solent. Sed tum servare illud poëtas, quod deceat, dicimus, cum id, quod quaque persona dignum est, et fit et dicitur; ut, si Aeacus aut Minos diceret:

Óderint, dum métuant,

aut:

natís sepulchro ipse ést parens,

indecorum videretur, quod eos fuisse iustos accepimus; at Atreo dicente plausus excitantur; est enim digna persona oratio. Sed poëtae, quid quemque deceat, ex persona iudicabunt; nobis autem personam imposuit ipsa natura magna cum excellentia praestantiaque animantium reliquarum. Quocirca poëtae in magna 98 varietate personarum, etiam vitiosis quid conveniat et quid deceat, videbunt, nobis autem cum a natura constantiae, moderationis, temperantiae, verecundiae partes datae sint, cumque eadem natura doceat non neglegere, quem ad modum nos adversus homines geramus efficitur, ut et illud, quod ad omnem honestatem pertinet, decorum quam late fusum sit, appareat et hoc, quod spectatur in uno quoque genere virtutis. Ut enim pulchritudo corporis apta compositione membrorum movet oculos et delectat hoc ipso, quod inter se omnes partes cum quodam lepore consentiunt, sic hoc decorum, quod elucet in vita, movet adprobationem eorum, quibuscum vivitur, ordine et constantia et moderatione dictorum omnium atque factorum. Adhi- 99 benda est igitur quaedam reverentia adversus homines et optimi cuiusque et reliquorum. Nam neglegere, quid de se quisque sentiat, non solum arrogantis est,

sed etiam omnino dissoluti. Est autem, quod differat in hominum ratione habenda inter iustitiam et verecundiam. Iustitiae partes sunt non violare homines, verecundiae non offendere; in quo maxume vis perspicitur decori. His igitur expositis, quale sit id, quod decere dicimus, intellectum puto.

100 Officium autem, quod ab eo ducitur, hanc primum habet viam, quae deducit ad convenientiam conservationemque naturae; quam si sequemur ducem, numquam aberrabimus sequemurque et id, quod acutum et perspicax natura est, et id, quod ad hominum consociationem accommodatum, et id, quod vehemens atque forte. Sed maxuma vis decori in hac inest parte, de qua disputamus; neque enim solum corporis, qui ad naturam apti sunt, sed multo etiam magis animi motus probandi, qui item ad naturam accommodati sunt.
101 Duplex est enim vis animorum atque natura; una pars in appetitu posita est, quae est ὁρμή Graece, quae hominem huc et illuc rapit, altera in ratione, quae docet et explanat, quid faciendum fugiendumque sit. Ita fit,
29 ut ratio praesit, adpetitus obtemperet. Omnis autem actio vacare debet temeritate et neglegentia nec vero agere quicquam, cuius non possit causam probabilem
102 reddere; haec est enim fere discriptio officii. Efficiendum autem est, ut adpetitus rationi oboediant eamque neque praecurrant nec propter pigritiam aut ignaviam deserant sintque tranquilli atque omni animi perturbatione careant; ex quo elucebit omnis constantia omnisque moderatio. Nam qui appetitus longius evagantur et tamquam exultantes sive cupiendo sive fugiendo non satis a ratione retinentur, ii sine dubio finem et modum transeunt; relinquunt enim et abiciunt oboedientiam

nec rationi parent, cui sunt subiecti lege naturae; a quibus non modo animi perturbantur, sed etiam corpora. Licet ora ipsa cernere iratorum aut eorum, qui aut lubidine aliqua aut metu commoti sunt aut voluptate nimia gestiunt; quorum omnium voltus, voces, motus statusque mutantur. 103 Ex quibus illud intellegitur, ut ad officii formam revertamur, appetitus omnes contrahendos sedandosque esse excitandamque animadversionem et diligentiam, ut ne quid temere ac fortuito, inconsiderate neglegenterque agamus. Neque enim ita generati a natura sumus, ut ad ludum et iocum facti esse videamur, ad severitatem potius et ad quaedam studia graviora atque maiora. Ludo autem et ioco uti illo quidem licet, sed sicut somno et quietibus ceteris tum, cum gravibus seriisque rebus satis fecerimus. Ipsumque genus iocandi non profusum nec inmodestum, sed ingenuum et facetum esse debet. Ut enim pueris non omnem ludendi licentiam damus, sed eam, quae ab honestatis actionibus non sit aliena, sic in ipso ioco aliquod probi ingenii lumen eluceat. 104 Duplex omnino est iocandi genus, unum inliberale, petulans, flagitiosum, obscenum, alterum elegans, urbanum, ingeniosum, facetum. Quo genere non modo Plautus noster et Atticorum antiqua comoedia, sed etiam philosophorum Socraticorum libri referti sunt, multaque multorum facete dicta, ut ea, quae a sene Catone collecta sunt, quae vocant *ἀποφθέγματα*. Facilis igitur est distinctio ingenui et inliberalis ioci. Alter est, si tempore fit, ut si remisso animo, *gravissimo* homine dignus, alter ne libero quidem, si rerum turpitudini adhibetur verborum obscenitas. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus elatique

voluptate in aliquam turpitudinem delabamur. Suppeditant autem et campus noster et studia venandi honesta exempla ludendi.

30
105 Sed pertinet ad omnem officii quaestionem semper in promptu habere, quantum natura hominis pecudibus reliquisque beluis antecedat; illae nihil sentiunt nisi voluptatem ad eamque feruntur omni impetu, hominis autem mens discendo alitur et cogitando, semper aliquid aut anquirit aut agit videndique et audiendi delectatione ducitur. Quin etiam, si quis est paulo ad voluptates propensior, modo ne sit ex pecudum genere (sunt enim quidam homines non re, sed nomine), sed si quis est paulo erectior, quamvis voluptate capiatur, occultat et dissimulat appetitum voluptatis propter
106 verecundiam. Ex quo intellegitur corporis voluptatem non satis esse dignam hominis praestantia, eamque contemni et reici oportere; sin sit quispiam, qui aliquid tribuat voluptati, diligenter ei tenendum esse eius fruendae modum. Itaque victus cultusque corporis ad valetudinem referatur et ad vires, non ad voluptatem. Atque etiam si considerare volumus, quae sit in natura excellentia et dignitas, intellegemus, quam sit turpe diffluere luxuria et delicate ac molliter vivere quamque honestum parce, continenter, severe, sobrie.

107 Intellegendum etiam est duabus quasi nos a natura indutos esse personis; quarum una communis est ex eo, quod omnes participes sumus rationis praestantiaeque eius, qua antecellimus bestiis, a qua omne honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur, altera autem, quae proprie singulis est tributa. Ut enim in corporibus magnae dissimilitudines sunt (alios videmus velocitate ad cursum, alios

viribus ad luctandum valere, itemque in formis aliis
dignitatem inesse, aliis venustatem), sic in animis exis-
tunt maiores etiam varietates. Erat in L. Crasso, in 108
L. Philippo multus lepos, maior etiam magisque de
industria in C. Caesare L. filio; at isdem temporibus
in M. Scauro et in M. Druso adulescente singularis
severitas, in C. Laelio multa hilaritas, in eius familiari
Scipione ambitio maior, vita tristior. De Graecis au-
tem dulcem et facetum festivique sermonis atque in
omni oratione simulatorem, quem εἴρωνα Graeci nomi-
narunt, Socratem accepimus, contra Pythagoram et
Periclem summam auctoritatem consecutos sine ulla
hilaritate. Callidum Hannibalem ex Poenorum, ex
nostris ducibus Q. Maximum accepimus, facile celare,
tacere, dissimulare, insidiari, praeripere hostium con-
silia. In quo genere Graeci Themistoclem et Pheraeum
Iasonem ceteris anteponunt; in primisque versutum et
callidum factum Solonis, qui, quo et tutior eius vita
esset et plus aliquanto rei publicae prodesset, furere se
simulavit. Sunt his alii multum dispares, simplices et 109
aperti, qui nihil ex occulto, nihil de insidiis agendum
putant, veritatis cultores, fraudis inimici, itemque alii,
qui quidvis perpetiantur, cuivis deserviant, dum, quod
velint, consequantur, ut Sullam et M. Crassum videba-
mus. Quo in genere versutissimum et patientissimum
Lacedaemonium Lysandrum accepimus, contraque Cal-
licratidam, qui praefectus classis proximus post Lysan-
drum fuit; itemque in sermonibus alium [quemque],
quamvis praepotens sit, efficere, ut unus de multis esse
videatur; quod in Catulo, et in patre et in filio, item-
que in Q. Mucio † Mancia vidimus. Audivi ex maiori-
bus natu hoc idem fuisse in P. Scipione Nasica, con-

traque patrem eius, illum qui Ti. Gracchi conatus perdi-
tos vindicavit, nullam comitatem habuisse sermonis [ne
Xenocratem quidem, severissimum philosophorum,] ob
eamque rem ipsam magnum et clarum fuisse. In-
numerabiles aliae dissimilitudines sunt naturae morum-
que, minime tamen vituperandorum.

31
110 Admodum autem tenenda sunt sua cuique non vi-
tiosa, sed tamen propria, quo facilius decorum illud,
quod quaerimus, retineatur. Sic enim est faciendum,
ut contra universam naturam nihil contendamus, ea
tamen conservata propriam nostram sequamur, ut,
etiamsi sint alia graviora atque meliora, tamen nos
studia nostra nostrae naturae regula metiamur; neque
enim attinet naturae repugnare nec quicquam sequi,
quod assequi non queas. Ex quo magis emergit, quale
sit decorum illud, ideo quia nihil decet invita Minerva,
111 ut aiunt, id est adversante et repugnante natura. Om-
nino si quicquam est decorum, nihil est profecto magis
quam aequabilitas *cum* universae vitae, tum singularum
actionum, quam conservare non possis, si aliorum na-
turam imitans omittas tuam. Ut enim sermone eo de-
bemus uti, qui innatus est nobis, ne, ut quidam, Graeca
verba inculcantes iure optimo rideamur, sic in actiones
omnemque vitam nullam discrepantiam conferre debe-
112 mus. Atque haec differentia naturarum tantam habet
vim, ut non numquam mortem sibi ipse consciscere
alius debeat, alius [in eadem causa] non debeat. Num
enim alia in causa M. Cato fuit, alia ceteri, qui se in
Africa Caesari tradiderunt? Atqui ceteris forsitan
vitio datum esset, si se interemissent, propterea quod
lenior eorum vita et mores fuerant faciliores, Catoni
cum incredibilem tribuisset natura gravitatem eamque

ipse perpetua constantia roboravisset semperque in proposito susceptoque consilio permansisset, moriendum potius quam tyranni vultus aspiciendus fuit. Quam 113
multa passus est Ulixes in illo errore diuturno, cum et mulieribus, si Circe et Calypso mulieres appellandae sunt, inserviret et in omni sermone omnibus adfabilem [et iucundum] esse se vellet! domi vero etiam contumelias servorum ancillarumque pertulit, ut ad id aliquando, quod cupiebat, veniret. At Aiax, quo animo traditur, milies oppetere mortem quam illa perpeti maluisset. Quae contemplantes expendere oportebit, quid quisque habeat sui, eaque moderari nec velle experiri, quam se aliena deceant; id enim maxume quemque decet, quod est cuiusque maxume suum. *Suum* quis- 114
que igitur noscat ingenium acremque se et bonorum et vitiorum suorum iudicem praebeat, ne scaenici plus quam nos videantur habere prudentiae. Illi enim non optumas, sed sibi accommodatissumas fabulas eligunt; qui voce freti sunt, Epigonos Medumque, qui gestu, Melanippam, Clytemestram, semper Rupilius, quem ego memini, Antiopam, non saepe Aesopus Aiacem. Ergo histrio hoc videbit in scaena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus; sin aliquando necessitas nos ad ea detruserit, quae nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea si non decore, at quam minime indecore facere possimus; nec tam est enitendum, ut bona, quae nobis data non sint, sequamur, quam ut vitia fugiamus.

Ac duabus iis personis, quas supra dixi, tertia ad- 32
iungitur, quam casus aliqui aut tempus inponit; quarta 115
etiam, quam nobismet ipsi iudicio nostro accommoda-

mus. Nam regna, imperia, nobilitas, honores, divitiae,
opes eaque, quae sunt his contraria, in casu sita tempo-
ribus gubernantur; ipsi autem gerere quam personam
velimus, a nostra voluntate proficiscitur. Itaque se alii
ad philosophiam, alii ad ius civile, alii ad eloquentiam
applicant, ipsarumque virtutum in alia alius mavult
116 excellere. Quorum vero patres aut maiores aliqua glo-
ria praestiterunt, ii student plerumque eodem in genere
laudis excellere, ut Q. Mucius P. f. in iure civili, Pauli
filius Africanus in re militari. Quidam autem ad eas
laudes, quas a patribus acceperunt, addunt aliquam suam,
ut hic idem Africanus eloquentia cumulavit bellicam
gloriam; quod idem fecit Timotheus Cononis filius,
qui cum belli laude non inferior fuisset quam pater, ad
eam laudem doctrinae et ingenii gloriam adiecit. Fit
autem interdum, ut non nulli omissa imitatione maio-
rum suum quoddam institutum consequantur, maxime-
que in eo plerumque elaborant ii, qui magna sibi pro-
117 ponunt obscuris orti maioribus. Haec igitur omnia,
cum quaerimus, quid deceat, complecti animo et cogi-
tatione debemus; in primis autem constituendum est,
quos nos et quales esse velimus et in quo genere vitae,
quae deliberatio est omnium difficillima. Ineunte enim
adulescentia, cum est maxima inbecillitas consilii, tum
id sibi quisque genus aetatis degendae constituit, quod
maxime adamavit; itaque ante implicatur aliquo certo
genere cursuque vivendi, quam potuit, quod optimum
118 esset, iudicare. Nam quod Herculem Prodicus dicit,
ut est apud Xenophontem, cum primum pubesceret,
quod tempus a natura ad deligendum, quam quisque
viam vivendi sit ingressurus, datum est, exisse in soli-
tudinem atque ibi sedentem diu secum multumque du-

bitasse, cum duas cerneret vias, unam Voluptatis, alteram Virtutis, utram ingredi melius esset, hoc Herculi "Iovis satu edito" potuit fortasse contingere, nobis non item, qui imitamur, quos cuique visum est, atque ad eorum studia institutaque impellimur; plerumque autem parentium praeceptis inbuti ad eorum consuetudinem moremque deducimur; alii multitudinis iudicio feruntur, quaeque maiori parti pulcherrima videntur, ea maxime exoptant; non nulli tamen sive felicitate quadam sive bonitate naturae sine parentium disciplina rectam vitae secuti sunt viam.

Illud autem maxime rarum genus est eorum, qui aut 33 119
excellenti ingenii magnitudine aut praeclara eruditione atque doctrina aut utraque re ornati spatium etiam deliberandi habuerunt, quem potissimum vitae cursum sequi vellent; in qua deliberatione ad suam cuiusque naturam consilium est omne revocandum. Nam cum in omnibus, quae aguntur, ex eo, quo modo quisque natus est, ut supra dictum est, quid deceat, exquirimus, tum in tota vita constituenda multo est ei rei cura maior adhibenda, ut constare in perpetuitate vitae possimus nobismet ipsis nec in ullo officio claudicare. Ad hanc 120
autem rationem quoniam maximam vim natura habet, fortuna proximam, utriusque omnino habenda ratio est in deligendo genere vitae, sed naturae magis; multo enim et firmior est et constantior, ut fortuna non numquam tamquam ipsa mortalis cum inmortali natura pugnare videatur. Qui igitur ad naturae suae non vitiosae genus consilium vivendi omne contulerit, is constantiam teneat (id enim maxime decet), nisi forte se intellexerit errasse in deligendo genere vitae. Quod si acciderit (potest autem accidere), facienda morum in-

stitutorumque mutatio est. Eam mutationem si tempora adiuvabunt, facilius commodiusque faciemus; sin minus, sensim erit pedetemptimque facienda, ut amicitias, quae minus delectent et minus probentur, magis decere censent sapientes sensim diluere quam repente
121 praecidere. Commutato autem genere vitae omni ratione curandum est, ut id bono consilio fecisse videamur. Sed quoniam paulo ante dictum est imitandos esse maiores, primum illud exceptum sit, ne vitia sint imitanda, deinde, si natura non feret, ut quaedam imitari possit (ut superioris filius Africani, qui hunc Paulo natum adoptavit, propter infirmitatem valetudinis non tam potuit patris similis esse, quam ille fuerat sui); si igitur non poterit sive causas defensitare sive populum contionibus tenere sive bella gerere, illa tamen praestare debebit, quae erunt in ipsius potestate, iustitiam, fidem, liberalitatem, modestiam, temperantiam, quo minus ab eo id, quod desit, requiratur. Optuma autem hereditas a patribus traditur liberis omnique patrimonio praestantior gloria virtutis rerumque gestarum, cui dedecori esse nefas [et vitium] iudicandum est.

34
122 Et quoniam officia non eadem disparibus aetatibus tribuuntur aliaque sunt iuvenum, alia seniorum, aliquid etiam de hac distinctione dicendum est. Est igitur adulescentis maiores natu vereri exque iis deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur; ineuntis enim aetatis inscitia senum constituenda et regenda prudentia est. Maxume autem haec aetas a libidinibus arcenda est exercendaque in labore patientiaque et animi et corporis, ut eorum et in bellicis et in civilibus officiis vigeat industria. Atque etiam cum relaxare animos et dare se iucunditati

volent, caveant intemperantiam, meminerint verecun-
diae, quod erit facilius, si *ne* in eius modi quidem rebus
maiores natu nolent interesse. Senibus autem labores 123
corporis minuendi, exercitationes animi etiam augendae
videntur; danda vero opera, ut et amicos et iuventu-
tem et maxime rem publicam consilio et prudentia
quam plurimum adiuvent. Nihil autem magis caven-
dum est senectuti, quam ne languori se desidiaeque de-
dat; luxuria vero cum omni aetati turpis, tum senectuti
foedissima est; sin autem etiam libidinum intempe-
rantia accessit, duplex malum est, quod et ipsa senectus
dedecus concipit et facit adulescentium inpudentiorem
intemperantiam. Ac ne illud quidem alienum est, de 124
magistratuum, de privatorum[, de civium], de peregri-
norum officiis dicere. Est igitur proprium munus ma-
gistratus intellegere se gerere personam civitatis debe-
reque eius dignitatem et decus sustinere, servare leges,
iura discribere, ea fidei suae commissa meminisse. Pri-
vatum autem oportet aequo et pari cum civibus iure
vivere neque summissum et abiectum neque se ecfe-
rentem, tum in re publica ea velle, quae tranquilla et
honesta sint; talem enim solemus et sentire bonum
civem et dicere. Peregrini autem atque incolae offi- 125
cium est nihil praeter suum negotium agere, nihil de
alio anquirere minimeque esse in aliena re publica cu-
riosum. Ita fere officia reperientur, cum quaeretur,
quid deceat, et quid aptum sit personis, temporibus,
aetatibus. Nihil est autem, quod tam deceat, quam in
omni re gerenda consilioque capiendo servare con-
stantiam.

Sed quoniam decorum illud in omnibus factis, dictis, 35 126
in corporis denique motu et statu cernitur idque posi-

tum est in tribus rebus, formositate, ordine, ornatu ad
actionem apto, difficilibus ad eloquendum, sed satis erit
intellegi, in his autem tribus continetur cura etiam illa,
ut probemur iis, quibuscum apud quosque vivamus, his
quoque de rebus pauca dicantur. Principio corporis
nostri magnam natura ipsa videtur habuisse rationem,
quae formam nostram reliquamque figuram, in qua es-
set species honesta, eam posuit in promptu, quae partes
autem corporis ad naturae necessitatem datae aspectum
essent deformem habiturae atque foedum, eas contexit
127 atque abdidit. Hanc naturae tam diligentem fabricam
imitata est hominum verecundia. Quae enim natura
occultavit, eadem omnes, qui sana mente sunt, remo-
vent ab oculis ipsique necessitati dant operam ut quam
occultissime pareant; quarumque partium corporis usus
sunt necessarii, eas neque partes neque earum usus
suis nominibus appellant; quodque facere turpe non
est, modo occulte, id dicere obscenum est. Itaque nec
actio rerum illarum aperta petulantia vacat nec oratio-
128 nis obscenitas. Nec vero audiendi sunt Cynici, aut si
qui fuerunt Stoici paene Cynici, qui reprehendunt et
inrident, quod ea, quae turpia non sint, verbis flagitiosa
ducamus, illa autem, quae turpia sint, nominibus appel-
lemus suis. Latrocinari, fraudare, adulterare re turpe
est, sed dicitur non obscene; liberis dare operam re
honestum est, nomine obscenum; pluraque in eam
sententiam ab eisdem contra verecundiam disputantur.
Nos autem naturam sequamur et ab omni, quod abhor-
ret ab oculorum auriumque approbatione, fugiamus;
status incessus, sessio accubitio, vultus oculi manuum
129 motus teneant illud decorum. Quibus in rebus duo
maxime sunt fugienda, ne quid effeminatum aut molle

et ne quid durum aut rusticum sit. Nec vero histrionibus oratoribusque concedendum est, ut iis haec apta sint, nobis dissoluta. Scaenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scaenam sine subligaculo prodeat nemo; verentur enim, ne, si quo casu evenerit, ut corporis partes quaedam aperiantur, aspiciantur non decore. Nostro quidem more cum parentibus puberes filii, cum soceris generi non lavantur. Retinenda igitur est huius generis verecundia, praesertim natura ipsa magistra et duce.

Cum autem pulchritudinis duo genera sint, quorum 36 130
in altero venustas est, in altero dignitas, venustatem muliebrem ducere debemus, dignitatem virilem. Ergo et a forma removeatur omnis viro non dignus ornatus, et huic simile vitium in gestu motuque caveatur. Nam et palaestrici motus sunt saepe odiosiores, et histrionum non nulli gestus ineptiis non vacant, et in utroque genere quae sunt recta et simplicia, laudantur. Formae autem dignitas coloris bonitate tuenda est, color exercitationibus corporis. Adhibenda praeterea munditia est non odiosa neque exquisita nimis, tantum quae fugiat agrestem et inhumanam neglegentiam. Eadem ratio est habenda vestitus, in quo, sicut in plerisque rebus, mediocritas optima est. Cavendum autem est, 131
ne aut tarditatibus utamur *in* ingressu mollioribus, ut pomparum ferculis similes esse videamur, aut in festinationibus suscipiamus nimias celeritates, quae cum fiunt, anhelitus moventur, vultus mutantur, ora torquentur; ex quibus magna significatio fit non adesse constantiam. Sed multo etiam magis elaborandum est, ne animi motus a natura recedant; quod assequemur, si cavebimus, ne in perturbationes atque exanimationes

incidamus, et si attentos animos ad decoris conserva-
132 tionem tenebimus. Motus autem animorum duplices sunt, alteri cogitationis, alteri appetitus; cogitatio in vero exquirendo maxume versatur, appetitus inpellit ad agendum. Curandum est igitur, ut cogitatione ad res quam optumas utamur, appetitum rationi oboedientem praebeamus.

37. Et quoniam magna vis orationis est, eaque duplex, altera contentionis, altera sermonis, contentio disceptationibus tribuatur iudiciorum, contionum, senatus, sermo in circulis, disputationibus, congressionibus familiarium versetur, sequatur etiam convivia. Contentionis praecepta rhetorum sunt, nulla sermonis, quamquam haud scio an possint haec quoque esse. Sed discentium studiis inveniuntur magistri, huic autem qui studeant, sunt nulli, rhetorum turba referta omnia; quamquam, quae verborum sententiarumque praecepta sunt, eadem
133 ad sermonem pertinebunt. Sed cum orationis indicem vocem habeamus, in voce autem duo sequamur, ut clara sit, ut suavis, utrumque omnino a natura petundum est, verum alterum exercitatio augebit, alterum imitatio presse loquentium et leniter. Nihil fuit in Catulis, ut eos exquisito iudicio putares uti litterarum, quamquam erant litterati; sed et alii; hi autem optime uti lingua Latina putabantur; sonus erat dulcis, litterae neque expressae neque oppressae, ne aut obscurum esset aut putidum, sine contentione vox nec languens nec canora. Uberior oratio L. Crassi nec minus faceta, sed bene loquendi de Catulis opinio non minor. Sale vero et facetiis Caesar, Catuli patris frater, vicit omnes, ut in illo ipso forensi genere dicendi contentiones aliorum sermone vinceret. In omnibus igitur his elaborandum

est, si in omni re quid deceat exquirimus. Sit ergo hic 134
sermo, in quo Socratici maxime excellunt, lenis minimeque pertinax, insit in eo lepos; nec vero, tamquam in possessionem suam venerit, excludat alios, sed cum reliquis in rebus, tum in sermone communi vicissitudinem non iniquam putet; ac videat in primis, quibus de rebus loquatur; si seriis, severitatem adhibeat, si iocosis, leporem; in primisque provideat, ne sermo vitium aliquod indicet inesse in moribus; quod maxume tum solet evenire, cum studiose de absentibus detrahendi causa aut per ridiculum aut severe, maledice contumelioseque dicitur. Habentur autem plerumque sermones 135
aut de domesticis negotiis aut de re publica aut de artium studiis atque doctrina. Danda igitur opera est, ut, etiamsi aberrare ad alia coeperit, ad haec revocetur oratio, sed utcumque aderunt; neque enim omnes isdem de rebus nec omni tempore nec similiter delectamur. Animadvertendum est etiam, quatenus sermo delectationem habeat, et, ut incipiendi ratio fuerit, ita sit desinendi modus.

38

Sed quo modo in omni vita rectissime praecipitur, 136
ut perturbationes fugiamus, id est motus animi nimios rationi non optemperantes, sic eius modi motibus sermo debet vacare, ne aut ira existat aut cupiditas aliqua aut pigritia aut ignavia aut tale aliquid appareat, maximeque curandum est, ut eos, quibuscum sermonem conferemus, et vereri et diligere videamur. Obiurgationes etiam non numquam incidunt necessariae, in quibus utendum est fortasse et vocis contentione maiore et verborum gravitate acriore, id agendum etiam, ut ea facere videamur irati. Sed, ut ad urendum et secandum, sic ad hoc genus castigandi raro invitique venie-

mus nec umquam nisi necessario, si nulla reperietur alia medicina; sed tamen ira procul absit, cum qua nihil
137 recte fieri, nihil considerate potest. Magnam autem partem clementi castigatione licet uti, gravitate tamen adiuncta, ut severitas adhibeatur et contumelia repellatur, atque etiam illud ipsum, quod acerbitatis habet obiurgatio, significandum est, ipsius id causa, qui obiurgetur, esse susceptum. Rectum est autem etiam in illis contentionibus, quae cum inimicissimis fiunt, etiamsi nobis indigna audiamus, tamen gravitatem retinere, iracundiam repellere. Quae enim cum aliqua perturbatione fiunt, ea nec constanter fieri possunt neque iis, qui adsunt, probari. Deforme etiam est de se ipsum praedicare, falsa praesertim, et cum inrisione audientium imitari militem gloriosum.

39
138 Et quoniam omnia persequimur, volumus quidem certe, dicendum est etiam, qualem hominis honorati et principis domum placeat esse, cuius finis est usus, ad quem accommodanda est aedificandi descriptio et tamen adhibenda commoditatis dignitatisque diligentia. Cn. Octavio, qui primus ex illa familia consul factus est, honori fuisse accepimus, quod praeclaram aedificasset in Palatio et plenam dignitatis domum; quae cum vulgo viseretur, suffragata domino, novo homini, ad consulatum putabatur; hanc Scaurus demolitus accessionem adiunxit aedibus. Itaque ille in suam domum consulatum primus attulit, hic, summi et clarissimi viri filius, in domum multiplicatam non repulsam solum
139 rettulit, sed ignominiam etiam et calamitatem. Ornanda enim est dignitas domo, non ex domo tota quaerenda, nec domo dominus, sed domino domus honestanda est, et, ut in ceteris habenda ratio non sua so-

lum, sed etiam aliorum, sic in domo clari hominis, in
quam et hospites multi recipiendi et admittenda homi-
num cuiusque modi multitudo, adhibenda cura est laxi-
tatis; aliter ampla domus dedecori saepe domino fit, si
est in ea solitudo, et maxime, si aliquando alio domino
solita est frequentari. Odiosum est enim, cum a prae-
tereuntibus dicitur:

o domus ántiqua, heu quam díspari
Domináre domino!

quod quidem his temporibus in multis licet dicere.
Cavendum autem est, praesertim si ipse aedifices, ne 140
extra modum sumptu et magnificentia prodeas; quo
in genere multum mali etiam in exemplo est. Stu-
diose enim plerique praesertim in hanc partem facta
principum imitantur, ut L. Luculli, summi viri, virtu-
tem quis? at quam multi villarum magnificentiam
[imitati]! quarum quidem certe est adhibendus modus
ad mediocritatem*que* revocandus. Eademque medio-
critas ad omnem usum cultumque vitae transferenda
est. Sed haec hactenus.

In omni autem actione suscipienda tria sunt tenenda, 141
primum ut appetitus rationi pareat, quo nihil est ad
officia conservanda accommodatius, deinde ut animad-
vertatur, quanta illa res sit, quam efficere velimus, ut
neve maior neve minor cura et opera suscipiatur, quam
causa postulet. Tertium est, ut caveamus, ut ea, quae
pertinent ad liberalem speciem et dignitatem, moderata
sint. Modus autem est optimus decus ipsum tenere,
de quo ante diximus, nec progredi longius. Horum
tamen trium praestantissimum est appetitum optempe-
rare rationi.

Deinceps de ordine rerum et de oportunitate tempo- **40** 142

rum dicendum est. Haec autem scientiā continentur eā, quam Graeci εὐταξίαν nominant, non hanc, quam interpretamur modestiam, quo in verbo modus inest, sed illa est εὐταξία, in qua intellegitur ordinis conservatio. Itaque, ut eandem nos modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia rerum earum, quae agentur aut dicentur, loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore; nam et ordinem sic definiunt: compositionem rerum aptis et accommodatis locis; locum autem actionis oportunitatem temporis esse dicunt; tempus autem actionis oportunum Graece εὐκαιρία, Latine appellatur occasio. Sic fit, ut modestia haec, quam ita interpretamur, ut dixi, scientia sit oportunitatis idoneorum ad
143 agendum temporum. Sed potest eadem esse prudentiae definitio, de qua principio diximus; hoc autem loco de moderatione et temperantia et harum similibus virtutibus quaerimus. Itaque, quae erant prudentiae propria, suo loco dicta sunt; quae autem harum virtutum, de quibus iam diu loquimur, quae pertinent ad verecundiam et ad eorum approbationem, quibuscum vivimus, nunc dicenda sunt.

144 Talis est igitur ordo actionum adhibendus, ut, quem ad modum in oratione constanti, sic in vita omnia sint apta inter se et convenientia; turpe enim valdeque vitiosum in re severa convivio digna aut delicatum aliquem inferre sermonem. Bene Pericles, cum haberet collegam in praetura Sophoclem poëtam iique de communi officio convenissent et casu formosus puer praeteriret dixissetque Sophocles: "O puerum pulchrum, Pericle!" "At enim praetorem, Sophocle, decet non solum manus, sed etiam oculos abstinentes habere."

Atque hoc idem Sophocles si in athletarum probatione dixisset, iusta reprehensione caruisset. Tanta vis est et loci et temporis. Ut, si qui, cum causam sit acturus, in itinere aut in ambulatione secum ipse meditetur, aut si quid aliud attentius cogitet, non reprehendatur, at hoc idem si in convivio faciat, inhumanus videatur inscitia temporis. Sed ea, quae multum ab humanitate 145 discrepant, ut si qui in foro cantet, aut si qua est alia magna perversitas, facile apparet nec magnopere admonitionem et praecepta desiderat; quae autem parva videntur esse delicta neque a multis intellegi possunt, ab iis est diligentius declinandum. Ut in fidibus aut tibiis, quamvis paulum discrepent, tamen id a sciente animadverti solet, sic videndum est in vita ne forte quid discrepet, vel multo etiam magis, quo maior et melior actionum quam sonorum concentus est. Itaque, **41** 146 ut in fidibus musicorum aures vel minima sentiunt, sic nos, si acres ac diligentes esse volumus animadversores vitiorum, magna saepe intellegemus ex parvis. Ex oculorum optutu, superciliorum aut remissione aut contractione, ex maestitia, ex hilaritate, ex risu, ex locutione, ex reticentia, ex contentione vocis, ex summissione, ex ceteris similibus facile iudicabimus, quid eorum apte fiat, quid ab officio naturaque discrepet. Quo in genere non est incommodum, quale quidque eorum sit, ex aliis iudicare, ut, si quid dedeceat in illis, vitemus ipsi; fit enim nescio quo modo, ut magis in aliis cernamus quam in nobismet ipsis, si quid delinquitur. Itaque facillume corriguntur in discendo, quorum vitia imitantur emendandi causa magistri. Nec vero alienum est ad ea eli- 147 genda, quae dubitationem afferunt, adhibere doctos homines vel etiam usu peritos et, quid iis de quoque of-

ficii genere placeat, exquirere. Maior enim pars eo fere deferri solet, quo a natura ipsa deducitur. In quibus videndum est, non modo quid quisque loquatur, sed etiam quid quisque sentiat atque etiam de qua causa quisque sentiat. Ut enim pictores et ii, qui signa fabricantur, et vero etiam poëtae suum quisque opus a vulgo considerari vult, ut, si quid reprehensum sit a pluribus, id corrigatur, iique et secum et ab aliis, quid in eo peccatum sit, exquirunt, sic aliorum iudicio permulta nobis et facienda et non facienda et mutanda et
148 corrigenda sunt. Quae vero more agentur institutisque civilibus, de iis nihil est praecipiendum; illa enim ipsa praecepta sunt, nec quemquam hoc errore duci oportet, ut, si quid Socrates aut Aristippus contra morem consuetudinemque civilem fecerint locutive sint, idem sibi arbitretur licere; magnis illi et divinis bonis hanc licentiam assequebantur. Cynicorum vero ratio tota est eicienda; est enim inimica verecundiae, sine qua nihil
149 rectum esse potest, nihil honestum. Eos autem, quorum vita perspecta in rebus honestis atque magnis est, bene de re publica sentientes ac bene meritos aut merentes sic ut aliquo honore aut imperio affectos observare et colere debemus, tribuere etiam multum senectuti, cedere iis, qui magistratum habebunt, habere dilectum civis et peregrini in ipsoque peregrino, privatimne an publice venerit. Ad summam, ne agam de singulis, communem totius generis hominum conciliationem et consociationem colere, tueri, servare debemus.

42
150 Iam de artificiis et quaestibus, qui liberales habendi, qui sordidi sint, haec fere accepimus. Primum improbantur ii quaestūs, qui in odia hominum incurrunt,

ut portitorum, ut faeneratorum. Inliberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur a mercatoribus, quod statim vendant; nihil enim proficiant, nisi admodum mentiantur; nec vero est quicquam turpius vanitate. Opificesque omnes in sordida arte versantur; nec enim quicquam ingenuum habere potest officina. Minimeque artes eae probandae, qui ministrae sunt voluptatum:

Cetārii, laniī, coqui, fartōres, piscatōres,

ut ait Terentius; adde huc, si placet, unguentarios, saltatores totumque ludum talarium. Quibus autem in 151 artibus aut prudentia maior inest aut non mediocris utilitas quaeritur, ut medicina, ut architectura, ut doctrina rerum honestarum, eae sunt iis, quorum ordini conveniunt, honestae. Mercatura autem, si tenuis est, sordida putanda est; sin magna et copiosa, multa undique apportans multisque sine vanitate inpertiens, non est admodum vituperanda, atque etiam, si satiata quaestu vel contenta potius, ut saepe ex alto in portum, ex ipso portu se in agros possessionesque contulit, videtur iure optimo posse laudari. Omnium autem rerum, ex quibus aliquid adquiritur, nihil est agri cultura melius, nihil uberius, nihil dulcius, nihil homine libero dignius; de qua quoniam in Catone maiore satis multa diximus, illim assumes, quae ad hunc locum pertinebunt.

Sed ab iis partibus, quae sunt honestatis, quem ad **43** 152 modum officia ducerentur, satis expositum videtur. Eorum autem ipsorum, quae honesta sunt, potest incidere saepe contentio et comparatio, de duobus honestis

utrum honestius, qui locus a Panaetio est praetermissus. Nam cum omnis honestas manet a partibus quattuor, quarum una est cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis, haec in deligendo
153 officio saepe inter se comparentur necesse est. Placet igitur aptiora esse naturae ea officia, quae ex communitate, quam ea, quae ex cognitione ducantur, idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut omnium rerum affluentibus copiis omnia, quae cognitione digna sint, summo otio secum ipse consideret et contempletur, tamen, si solitudo tanta sit, ut hominem videre non possit, excedat e vita. Princepsque omnium virtutum illa sapientia, quam σοφίαν Graeci vocant — prudentiam enim, quam Graeci φρόνησιν dicunt, aliam quandam intellegimus, quae est rerum expetendarum fugiendarumque scientia; illa autem sapientia, quam principem dixi, rerum est divinarum et humanarum scientia, in qua continetur deorum et hominum communitas et societas inter ipsos; ea si maxima est, ut est certe, necesse est, quod a communitate ducatur officium, id esse maximum. Etenim cognitio contemplatioque naturae manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur; pertinet igitur ad societatem generis humani;
154 ergo haec cognitioni anteponenda est. Atque id optimus quisque re ipsa ostendit et iudicat. Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriae, cui subvenire opitularique possit, non illa omnia relinquat atque abiciat, etiamsi dinumerare se stellas

aut metiri mundi magnitudinem posse arbitretur? at-
que hoc idem in parentis, in amici re aut periculo fece-
rit. Quibus rebus intellegitur studiis officiisque sci- 155
entiae praeponenda esse officia iustitiae, quae pertinent
ad hominum utilitatem, qua nihil homini esse debet
antiquius. Atque illi, quorum studia vitaque omnis in 44
rerum cognitione versata est, tamen ab augendis homi-
num utilitatibus et commodis non recesserunt; nam et
erudiverunt multos, quo meliores cives utilioresque re-
bus suis publicis essent, ut Thebanum Epaminondam
Lysis Pythagoreus, Syracosium Dionem Plato multique
multos, nosque ipsi, quicquid ad rem publicam attuli-
mus, si modo aliquid attulimus, a doctoribus atque doc-
trina instructi ad eam et ornati accessimus. Neque 156
solum vivi atque praesentes studiosos discendi erudiunt
atque docent, sed hoc idem etiam post mortem monu-
mentis litterarum assequuntur. Nec enim locus ullus
est praetermissus ab iis, qui ad leges, qui ad mores, qui
ad disciplinam rei publicae pertineret, ut otium suum
ad nostrum negotium contulisse videantur. Ita illi ipsi
doctrinae studiis et sapientiae dediti ad hominum utili-
tatem suam prudentiam intellegentiamque potissimum
conferunt; ob eamque etiam causam eloqui copiose,
modo prudenter, melius est quam vel acutissime sine
eloquentia cogitare, quod cogitatio in se ipsa vertitur,
eloquentia complectitur eos, quibuscum communitate
iuncti sumus. Atque ut apium examina non fingendo- 157
rum favorum causa congregantur, sed, cum congrega-
bilia natura sint, fingunt favos, sic homines, ac multo
etiam magis natura congregati adhibent agendi cogi-
tandique sollertiam. Itaque, nisi ea virtus, quae con-
stat ex hominibus tuendis, id est ex societate generis

humani, attingat cognitionem rerum, solivaga cognitio
et ieiuna videatur, itemque magnitudo animi remota
communitate coniunctioneque humana feritas sit quae-
dam et immanitas. Ita fit, ut vincat cognitionis stu-
158 dium consociatio hominum atque communitas. Nec
verum est, quod dicitur a quibusdam, propter necessi-
tatem vitae, quod ea, quae natura desideraret, consequi
sine aliis atque efficere non possemus, idcirco initam
esse cum hominibus communitatem et societatem;
quodsi omnia nobis, quae ad victum cultumque perti-
nent, quasi virgula divina, ut aiunt, suppeditarentur,
tum optimo quisque ingenio negotiis omnibus omissis
totum se in cognitione et scientia collocaret. Non est
ita; nam et solitudinem fugeret et socium studii quae-
reret, tum docere tum discere vellet, tum audire tum
dicere. Ergo omne officium, quod ad coniunctionem
hominum et ad societatem tuendam valet, anteponen-
dum est illi officio, quod cognitione et scientia conti-
netur.

45
159 Illud forsitan quaerendum sit, num haec communi-
tas, quae maxime est apta naturae, sit etiam modera-
tioni modestiaeque semper anteponenda. Non placet;
sunt enim quaedam partim ita foeda, partim ita flagi-
tiosa, ut ea ne conservandae quidem patriae causa sa-
piens facturus sit. Ea Posidonius collegit permulta,
sed ita taetra quaedam, ita obscena, ut dictu quoque
videantur turpia. Haec igitur non suscipiet rei pub-
licae causa, ne res publica quidem pro se suscipi volet.
Sed hoc commodius se res habet, quod non potest acci-
dere tempus, ut intersit rei publicae quicquam illorum
160 facere sapientem. Quare hoc quidem effectum sit, in
officiis deligendis id genus officiorum excellere, quod

teneatur hominum societate. [Etenim cognitionem prudentiamque sequetur considerata actio; ita fit, ut agere considerate pluris sit quam cogitare prudenter.] Atque haec quidem hactenus. Patefactus enim locus est ipse, ut non difficile sit in exquirendo officio, quid cuique sit praeponendum, videre. In ipsa autem communitate sunt gradus officiorum, ex quibus, quid cuique praestet, intellegi possit, ut prima dis inmortalibus, secunda patriae, tertia parentibus, deinceps gradatim reliquis debeantur. Quibus ex rebus breviter disputatis 161
intellegi potest non solum id homines solere dubitare, honestumne an turpe sit, sed etiam duobus propositis honestis utrum honestius sit. Hic locus a Panaetio est, ut supra dixi, praetermissus. Sed iam ad reliqua pergamus.

BOOK II.

SUMMARY.

I. 1—II. 8. In the introduction Cicero meets the criticisms of those who had blamed his retirement from public life, and explains (7) the apparent inconsistency of professing Academic or sceptical opinions and, at the same time, laying down positive rules of duty.

The second book proper treats of duties under the second general head of Panaetius, that of expediency (*utile*); or, according to Cicero's division (Book I. § 10), the third head, *utile* (III. 9—XXIV. 87), and the fourth head, the comparison of two *utilia* (XXV. 88, 89).

III. 9—VI. 20. At the outset we must guard against a most pernicious error (9, 10), that of separating the *utile* from the *honestum*, as if anything could be really expedient which is not good. This being premised, all things that are useful to man (11) are either inanimate or animate: of animate beings some are endowed with reason, others are not so; those endowed with reason, again, are either gods or men. It is this last class that may be useful or harmful to us. But the gods are appeased by piety and sanctity, and cannot be supposed to wish to injure us; next to them (12–15) it is to our fellow-men that we look for aid in our pursuits; and we are dependent on their services even in order to avail ourselves of the forces and objects of inanimate nature. From them come likewise (V. 16) the greater part of our misfortunes.

Hence (17) the aim of right action is to conciliate men and gain their aid for our own pursuits; and this is done by wisdom and virtue. For all virtue consists (18) in three things: the study of truth; the control of the passions and appetites;

and the treating with moderation and discernment our fellow-men, who minister to our natural wants, and defend us from injury by punishing those who do us wrong. No doubt much depends (19) in this matter on the caprice of fortune, but (20) the agency of man is vastly more important.

VI. 21. The motives which induce men to render services to others are: good-feeling, desire to honor the virtuous or worthy, confidence in another's character or discretion, fear of another's influence, hope of return, expectation of reward. And almost the same reasons (22) lead one man to submit to the authority of another.

Of all these motives (VII. 23) that most adapted to secure for us the services of others is their *good-feeling* towards us. The example of Caesar proves how fatal is the hatred of men. And this is so especially (24) in free states. Recall the examples of Dionysius (25), Alexander of Pherae, Phalaris (26), and the Lacedaemonians. Think of the treatment of the allies of the Roman state since Sulla (VIII. 27 sq.). All of us, high and low (30), have need of the good-will of others.

Glory (IX. 31), in its highest sense, depends upon three things: if men love us; if they have confidence in us; if they admire and honor us. The same means serve to gain these things from the many as from individuals. *Good-will* (32) is gained chiefly by kindnesses done, then by a kindly disposition; the reputation of great virtue goes far towards conciliating popular favor. *Confidence* (33) is gained if we are thought to unite wisdom with justice; of these justice (34) is the more important; mere ability without this only inspires distrust.

It must not be forgotten (X. 35) that we are now speaking of good men, wise men, etc., in a popular, not a philosophical, sense. *Honor* (36) is paid to those who give evidence of singular virtue, who are above the common vices (37); and (XI. 38) especially to those who are noted for their justice, and are not influenced by the love of money. A reputation for uprightness (39) is necessary in all stations of life; even, in a certain sense (40), among robbers. Kings (XII. 41) were

at first good men, exalted to power in order to secure justice; and laws were first made with the same design (42). True glory is based on real worth (43); Socrates used to say, that to obtain it most quickly one should really be that which he wished to be considered.

A few practical directions (XIII. 44), may be given for this purpose. Those born to high station have already a certain distinction; others (45) should cherish high aims, and especially strive for military glory. The first recommendation in a young man (46) is modesty towards parents, kindly feeling towards his equals; it is well to cultivate the society of distinguished men.

Although eloquence (XIV. 48) contributes much to glory, a genial manner in conversation is singularly effective. Eloquence, however, putting us in contact with a greater number of persons, brings greater fame; and especially the eloquence of the advocate (49). The defense (50) is more popular than the accusation. One should never accuse an innocent person (51), but may, at times, within certain limits, defend the guilty.

We next consider the duty of *liberality* (XV. 52), which is shown in two ways: by personal exertion or by gifts of money. Of these the latter is easier, the former more dignified. The latter exhausts the fountain of charity; with the former, by the act of giving we are made more able to give (53). If money is given (54), it should be done carefully and in moderation; if the resources of the giver are exhausted, he is led into wrong-doing to replenish them. There is a difference (XVI. 55) between lavishness, which is to be blamed, and liberality (56). Public games have been always expected from the aediles, in which, of course, any appearance of stinginess is to be avoided; but each one must consult his own ability (XVII. 58). Moderation (59) is the best rule. Money given for this purpose is well expended in public works of permanent value (60).

In the matter of liberality (XVIII. 61) we should be governed by circumstances, being more ready to aid the suffering

than those who merely wish to better their condition. Liberality well bestowed (63) brings general popularity; and even in the ordinary transactions of life (64) it is better not to be too exacting. Hospitality, both to our countrymen and to foreigners, is rightly praised.

We may do good by personal exertion (XIX. 65), to the state or to individuals. One may often gain much influence and popularity by aiding others with advice; and for this reason the study of law was formerly held in great honor. When this is beyond our power, we can give our eloquence (66) or our influence (67) in their behalf, taking care, however (68), not to offend others.

In helping others (XX. 69, 70) it is generally recognized that we ought to consider the character rather than the position of the person; but we are very much prone to the contrary. And yet the poor honest man will always cherish gratitude for a benefit, while the rich man will consider your service to him as an interested action. Moreover, benefits to the humble are appreciated by all of the same class. Try to satisfy all, if possible (71), but regard the man rather than his money.

Finally, benefits conferred on the state (XXI. 72) may affect the whole body of citizens, or individuals. We may aim to accomplish both ends; but in benefiting individuals we must do no harm to the community. A public official (73) should not infringe on the rights of property, should avoid levying contributions (74), if possible, by providing resources beforehand, and never abuse his trust (75) for his own personal advantage. This last has now become common, but (XXII. 76) was not formerly so, as, for instance, with Scipio, P. Aemilius, L. Mummius. Those who pass agrarian laws (78) or laws for cancelling debts disturb the harmony of the citizens and offend against justice itself; moreover, they do not attain their end (79). So with the Lacedaemonians (XXIII. 80), the Gracchi; while Aratus of Sicyon (81 sq.) is universally praised. But care must be taken that indebtedness does not increase (XXIV. 84) so as to become dangerous to the state; in any case it

should not be cancelled. A wise ruler will (85) avoid this, will maintain both rich and poor in the possession of their rights.

Health (86) is preserved by the study of one's own constitution, observation of what profits or injures us, by abstinence, and by the skill of physicians.

The acquisition and care of property (87) hardly come within the domain of philosophy.

XXV. 88, 89. Of the comparison of two *utilia.*

LIBER SECUNDUS.

Quem ad modum officia ducerentur ab honestate, 1 1
Marce fili, atque ab omni genere virtutis, satis explica-
tum arbitror libro superiore. Sequitur, ut haec officio-
rum genera persequar, quae pertinent ad vitae cultum
et ad earum rerum, quibus utuntur homines, faculta-
tem, ad opes, ad copias; [in quo tum quaeri dixi, quid
utile, quid inutile, tum ex utilibus quid utilius aut quid
maxime utile]. De quibus dicere adgrediar, si pauca
prius de instituto ac de iudicio meo dixero. Quam- 2
quam enim libri nostri complures non modo ad legendi,
sed etiam ad scribendi studium excitaverunt, tamen in-
terdum vereor, ne quibusdam bonis viris philosophiae
nomen sit invisum mirenturque in ea tantum me operae
et temporis ponere. Ego autem, quam diu res publica
per eos gerebatur, quibus se ipsa commiserat, omnis
meas curas cogitationesque in eam conferebam; cum
autem dominatu unius omnia tenerentur neque esset
usquam consilio aut auctoritati locus, socios denique
tuendae rei publicae, summos viros, amisissem, nec me
angoribus dedidi, quibus essem confectus, nisi iis resti-
tissem, nec rursum indignis homine docto voluptatibus.
Atque utinam res publica stetisset, quo coeperat, statu 3
nec in homines non tam commutandarum quam ever-
tendarum rerum cupidos incidisset! Primum enim, ut
stante re publica facere solebamus, in agendo plus quam

in scribendo operae poneremus, deinde ipsis scriptis
non ea, quae nunc, sed actiones nostras mandaremus, ut
saepe fecimus. Cum autem res publica, in qua omnis
mea cura, cogitatio, opera poni solebat, nulla esset om-
nino, illae scilicet litterae conticuerunt forenses et sena-
4 toriae. Nihil agere autem cum animus non posset, in
his studiis ab initio versatus aetatis existimavi hone-
stissime molestias posse deponi, si me ad philosophiam
rettulissem. Cui cum multum adulescens discendi
causa temporis tribuissem, posteaquam honoribus in-
servire coepi meque totum rei publicae tradidi, tantum
erat philosophiae loci, quantum superfuerat amicorum
et rei publicae temporibus; id autem omne consume-
2 5 batur in legendo, scribendi otium non erat. Maximis
igitur in malis hoc tamen boni assecuti videmur, ut ea
litteris mandaremus, quae nec erant satis nota nostris
et erant cognitione dignissima. Quid enim est, per
deos, optabilius sapientia, quid praestantius, quid ho-
mini melius, quid homine dignius? Hanc igitur qui
expetunt, philosophi nominantur, nec quicquam aliud
est philosophia, si interpretari velis, praeter studium
sapientiae. Sapientia autem est, ut a veteribus philo-
sophis definitum est, rerum divinarum et humanarum
causarumque, quibus eae res continentur, scientia; cuius
studium qui vituperat, haud sane intellego, quidnam sit,
6 quod laudandum putet. Nam sive oblectatio quaeritur
animi requiesque curarum, quae conferri cum eorum
studiis potest, qui semper aliquid anquirunt, quod spec-
tet et valeat ad bene beateque vivendum? sive ratio
constantiae virtutisque ducitur, aut haec ars est aut
nulla omnino, per quam eas assequamur. Nullam di-
cere maxumarum rerum artem esse, cum minimarum

sine arte nulla sit, hominum est parum considerate loquentium atque in maxumis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, cum ab hoc discendi genere discesseris? Sed haec, cum ad philosophiam cohortamur, accuratius disputari solent, quod alio quodam libro fecimus; hoc autem tempore tantum nobis declarandum fuit, cur orbati rei publicae muneribus ad hoc nos studium potissimum contulissemus. Occurritur autem nobis, et quidem a doctis et 7
eruditis quaerentibus, satisne constanter facere videamur, qui, cum percipi nihil posse dicamus, tamen et aliis de rebus disserere soleamus et hoc ipso tempore praecepta officii persequamur. Quibus vellem satis cognita esset nostra sententia. Non enim sumus ii, quorum vagetur animus errore nec habeat umquam, quid sequatur. Quae enim esset ista mens vel quae vita potius non modo disputandi, sed etiam vivendi ratione sublata? Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissentientes alia probabilia, contra alia dicimus. Quid est igitur, quod me 8
impediat ea, quae probabilia mihi videantur, sequi, quae contra, inprobare atque adfirmandi arrogantiam vitantem fugere temeritatem, quae a sapientia dissidet plurimum? Contra autem omnia disputatur a nostris, quod hoc ipsum probabile elucere non posset, nisi ex utraque parte causarum esset facta contentio. Sed haec explanata sunt in Academicis nostris satis, ut arbitror, diligenter. Tibi autem, mi Cicero, quamquam in antiquissima nobilissimaque philosophia Cratippo auctore versaris iis simillimo, qui ista praeclara pepererunt, tamen haec nostra finituma vestris ignota esse nolui. Sed iam ad instituta pergamus.

3 9 Quinque igitur rationibus propositis officii perse-
quendi, quarum duae ad decus honestatemque pertine-
rent, duae ad commoda vitae, copias, opes, facultates,
quinta ad eligendi iudicium, si quando ea, quae dixi,
pugnare inter se viderentur, honestatis pars confecta
est, quam quidem tibi cupio esse notissimam. Hoc
autem, de quo nunc agimus, id ipsum est, quod utile
appellatur. In quo verbo lapsa consuetudo deflexit de
via sensimque eo deducta est, ut honestatem ab utilitate
secernens constitueret esse honestum aliquid, quod utile
non esset, et utile, quod non honestum, qua nulla per-
10 nicies maior hominum vitae potuit afferri. Summa
quidem auctoritate philosophi severe sane atque ho-
neste haec tria genera confusa cogitatione distinguunt.
[Quicquid enim iustum sit, id etiam utile esse censent,
itemque quod honestum, idem iustum; ex quo effici-
tur, ut, quicquid honestum sit, idem sit utile.] Quod
qui parum perspiciunt, ii saepe versutos homines et
callidos admirantes malitiam sapientiam iudicant. Quo-
rum error eripiendus est opinioque omnis ad eam spem
traducenda, ut honestis consiliis iustisque factis, non
fraude et malitia se intellegant ea, quae velint, conse-
11 qui posse. Quae ergo ad vitam hominum tuendam
pertinent, partim sunt inanima, ut aurum, argentum, ut
ea, quae gignuntur e terra, ut alia generis eiusdem,
partim animalia, quae habent suos impetus et rerum
appetitus. Eorum autem alia rationis expertia sunt,
alia ratione utentia; expertes rationis equi, boves, reli-
quae pecudes, [apes,] quarum opere efficitur aliquid ad
usum hominum atque vitam; ratione autem utentium
duo genera ponunt, deorum unum, alterum hominum.
Deos placatos pietas efficiet et sanctitas, proxime autem

et secundum deos homines hominibus maxume utiles
esse possunt. Earumque item rerum, quae noceant et 12
obsint, eadem divisio est. Sed quia deos nocere non
putant, iis exceptis homines hominibus obesse plurimum
arbitrantur. Ea enim ipsa, quae inanima diximus, ple-
raque sunt hominum operis effecta; quae nec habere-
mus, nisi manus et ars accessisset, nec iis sine hominum
administratione uteremur. Neque enim valetudinis
curatio neque navigatio neque agri cultura neque fru-
gum fructuumque reliquorum perceptio et conservatio
sine hominum opera ulla esse potuisset. Iam vero et 13
earum rerum, quibus abundaremus, exportatio et earum,
quibus egeremus, invectio certe nulla esset, nisi his mu-
neribus homines fungerentur. Eademque ratione nec
lapides ex terra exciderentur ad usum nostrum neces-
sarii, nec "ferrum, aes, aurum, argentum" effoderetur
"penitus abditum" sine hominum labore et manu.
Tecta vero, quibus et frigorum vis pelleretur et calo- 4
rum molestiae sedarentur, unde aut initio generi hu-
mano dari potuissent aut postea subveniri, si aut vi
tempestatis aut terrae motu aut vetustate cecidissent,
nisi communis vita ab hominibus harum rerum auxilia
petere didicisset? Adde ductus aquarum, derivationes 14
fluminum, agrorum inrigationes, moles oppositas flucti-
bus, portus manu factos, quae unde sine hominum opere
habere possemus? Ex quibus multisque aliis perspi-
cuum est, qui fructus quaeque utilitates ex rebus iis,
quae sint inanimae, percipiantur, eas nos nullo modo
sine hominum manu atque opera capere potuisse. Qui
denique ex bestiis fructus aut quae commoditas, nisi
homines adiuvarent, percipi posset? Nam et qui prin-
cipes inveniendi fuerunt, quem ex quaque belua usum

habere possemus, homines certe fuerunt, nec hoc tempore sine hominum opera aut pascere eas aut domare aut tueri aut tempestivos fructus ex iis capere possemus; ab eisdemque et, quae nocent, interficiuntur et,
15 quae usui possunt esse, capiuntur. Quid enumerem artium multitudinem, sine quibus vita omnino nulla esse potuisset? Qui enim aegris subveniretur, quae esset oblectatio valentium, qui victus aut cultus, nisi tam multae nobis artes ministrarent? quibus rebus exculta hominum vita tantum distat a victu et cultu bestiarum. Urbes vero sine hominum coetu non potuissent nec aedificari nec frequentari; ex quo leges moresque constituti, tum iuris aequa discriptio certaque vivendi disciplina; quas res et mansuetudo animorum consecuta et verecundia est effectumque, ut esset vita munitior, atque ut dando et accipiendo mutandisque facultatibus et commodis nulla re egeremus.

5
16 Longiores hoc loco sumus, quam necesse est. Quis est enim, cui non perspicua sint illa, quae pluribus verbis a Panaetio commemorantur, neminem neque ducem belli nec principem domo magnas res et salutares sine hominum studiis gerere potuisse? Commemoratur ab eo Themistocles, Pericles, Cyrus, Agesilaus, Alexander, quos negat sine adiumentis hominum tantas res efficere potuisse. Utitur in re non dubia testibus non necessariis. Atque ut magnas utilitates adipiscimur conspiratione hominum atque consensu, sic nulla tam detestabilis pestis est, quae non homini ab homine nascatur. Est Dicaearchi liber de interitu hominum, Peripatetici magni et copiosi, qui collectis ceteris causis eluvionis, pestilentiae, vastitatis, beluarum etiam repentinae multitudinis, quarum impetu docet

quaedam hominum genera esse consumpta, deinde comparat, quanto plures deleti sint homines hominum impetu, id est bellis aut seditionibus, quam omni reliqua calamitate.

Cum igitur hic locus nihil habeat dubitationis, quin 17 homines plurimum hominibus et prosint et obsint, proprium hoc statuo esse virtutis, conciliare animos hominum et ad usus suos adiungere. Itaque, quae in rebus inanimis quaeque in usu et tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis, hominum autem studia ad amplificationem nostrarum rerum prompta ac parata [virorum praestantium] sapientia et virtute excitantur. Etenim virtus 18 omnis tribus in rebus fere vertitur, quarum una est in perspiciendo, quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quaeque gignantur, quae cuiusque rei causa sit, alterum cohibere motus animi turbatos, quos Graeci πάθη nominant, appetitionesque, quas illi ὁρμάς, oboedientes efficere rationi, tertium iis, quibuscum congregemur, uti moderate et scienter, quorum studiis ea, quae natura desiderat, expleta cumulataque habeamus, per eosdemque, si quid importetur nobis incommodi, propulsemus ulciscamurque eos, qui nocere nobis conati sint, tantaque poena adficiamus, quantam aequitas humanitasque 6 patitur. Quibus autem rationibus hanc facultatem as- 19 sequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post, sed pauca ante dicenda sunt. Magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat? Nam et, cum prospero flatu eius utimur, ad exitus pervehimur optatos et, cum reflavit, affligimur.

Haec igitur ipsa fortuna ceteros casus rariores habet,
primum ab inanimis procellas, tempestates, naufragia,
ruinas, incendia, deinde a bestiis ictus, morsus, impetus;
20 haec ergo, ut dixi, rariora. At vero interitus exercituum,
ut proxime trium, saepe multorum, clades imperatorum,
ut nuper summi et singularis viri, invidiae praeterea
multitudinis atque ob eas bene meritorum saepe civium
expulsiones, calamitates, fugae, rursusque secundae res,
honores, imperia, victoriae, quamquam fortuita sunt,
tamen sine hominum opibus et studiis neutram in
partem effici possunt. Hoc igitur cognito dicendum
est, quonam modo hominum studia ad utilitates nostras
allicere atque excitare possimus. Quae si longior fue-
rit oratio, cum magnitudine utilitatis comparetur; ita
fortasse etiam brevior videbitur.

21 Quaecumque igitur homines homini tribuunt ad eum
augendum atque honestandum, aut benivolentiae gratia
faciunt, cum aliqua de causa quempiam diligunt, aut
honoris, si cuius virtutem suspiciunt, quemque dignum
fortuna quam amplissima putant, aut cui fidem habent
et bene rebus suis consulere arbitrantur, aut cuius opes
metuunt, aut contra, a quibus aliquid exspectant, ut
cum reges popularesve homines largitiones aliquas pro-
ponunt, aut postremo pretio ac mercede ducuntur, quae
sordidissima est illa quidem ratio et inquinatissima et
iis, qui ea tenentur, et illis, qui ad eam confugere co-
22 nantur; male enim se res habet, cum, quod virtute ef-
fici debet, id temptatur pecunia. Sed quoniam non
numquam hoc subsidium necessarium est, quem ad mo-
dum sit utendum eo, dicemus, si prius iis de rebus, quae
virtuti propiores sunt, dixerimus. Atque etiam subi-
ciunt se homines imperio alterius et potestati de causis

pluribus. Ducuntur enim aut benivolentia et beneficiorum magnitudine aut dignitatis praestantia aut spe sibi id utile futurum aut metu, ne vi parere cogantur, aut spe largitionis promissisque capti aut postremo, ut saepe in nostra re publica videmus, mercede conducti. Omnium autem rerum nec aptius est quicquam ad opes 7 23
tuendas ac tenendas quam diligi nec alienius quam timeri. Praeclare enim Ennius:

Quém metuunt, odérunt; quem quisque ódit, periisse éxpetit.

Multorum autem odiis nullas opes posse obsistere, si antea fuit ignotum, nuper est cognitum. Nec vero huius tyranni solum, quem armis oppressa pertulit civitas paretque cum maxume mortuo, interitus declarat, quantum odium hominum valeat ad pestem, sed reliquorum similes exitus tyrannorum, quorum haud fere quisquam talem interitum effugit; malus enim est custos diuturnitatis metus contraque benivolentia fidelis vel ad perpetuitatem. Sed iis, qui vi oppressos impe- 24
rio coërcent, sit sane adhibenda saevitia, ut eris in famulos, si aliter teneri non possunt; qui vero in libera civitate ita se instruunt, ut metuantur, iis nihil potest esse dementius. Quamvis enim sint demersae leges alicuius opibus, quamvis timefacta libertas, emergunt tamen haec aliquando aut iudiciis tacitis aut occultis de honore suffragiis. Acriores autem morsus sunt intermissae libertatis quam retentae. Quod igitur latissume patet neque ad incolumitatem solum, sed etiam ad opes et potentiam valet plurimum, id amplectamur, ut metus absit, caritas retineatur. Ita facillime, quae volemus, et privatis in rebus et in re publica consequemur. Etenim qui se metui volent, a quibus metuentur,

25 eosdem metuant ipsi necesse est. Quid enim censemus
superiorem illum Dionysium quo cruciatu timoris angi
solitum, qui cultros metuens tonsorios candente carbone
sibi adurebat capillum? quid Alexandrum Pheraeum
quo animo vixisse arbitramur? qui, ut scriptum legi-
mus, cum uxorem Theben admodum diligeret, tamen
ad eam ex epulis in cubiculum veniens barbarum, et
eum quidem, ut scriptum est, conpunctum notis Thrae-
ciis, destricto gladio iubebat anteire praemittebatque de
stipatoribus suis, qui scrutarentur arculas muliebres et,
ne quod in vestimentis telum occultaretur, exquirerent.
O miserum, qui fideliorem et barbarum et stigmatiam
putaret quam coniugem! Nec eum fefellit; ab ea est
enim ipsa propter pelicatus suspicionem interfectus.
Nec vero ulla vis imperii tanta est, quae premente
26 metu possit esse diuturna. Testis est Phalaris, cuius
est praeter ceteros nobilitata crudelitas, qui non ex in-
sidiis interiit, ut is, quem modo dixi, Alexander, non a
paucis, ut hic noster, sed in quem universa Agrigenti-
norum multitudo impetum fecit. Quid? Macedones
nonne Demetrium reliquerunt universique se ad Pyr-
rhum contulerunt? Quid? Lacedaemonios iniuste
imperantes nonne repente omnes fere socii deseruerunt
spectatoresque se otiosos praebuerunt Leuctricae calami-
8 tatis? Externa libentius in tali re quam domestica re-
cordor. Verum tamen, quam diu imperium populi
Romani beneficiis tenebatur, non iniuriis, bella aut pro
sociis aut de imperio gerebantur, exitus erant bellorum
aut mites aut necessarii, regum, populorum, nationum
27 portus erat et refugium senatus, nostri autem magistra-
tus imperatoresque ex hac una re maximam laudem ca-
pere studebant, si provincias, si socios aequitate et fide

defendissent; itaque illud patrocinium orbis terrae ve- (27) rius quam imperium poterat nominari. Sensim hanc consuetudinem et disciplinam iam antea minuebamus, post vero Sullae victoriam penitus amisimus; desitum est enim videri quicquam in socios iniquum, cum exstitisset in cives tanta crudelitas. Ergo in illo secuta est honestam causam non honesta victoria; est enim ausus dicere, hasta posita cum bona in foro venderet et bonorum virorum et locupletium et certe civium, "praedam se suam vendere." Secutus est, qui in causa impia, victoria etiam foediore non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis iure comprehenderet. Itaque vexatis 28 ac perditis exteris nationibus ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua numquam nostri imperatores ex Transalpinis bellis triumpharunt. Multa praeterea commemorarem nefaria in socios, si hoc uno quicquam sol vidisset indignius. Iure igitur plectimur. Nisi enim multorum inpunita scelera tulissemus, numquam ad unum tanta pervenisset licentia; a quo quidem rei familiaris ad paucos, cupiditatum ad multos inprobos venit hereditas. Nec vero umquam bellorum civilium 29 semen et causa deerit, dum homines perditi hastam illam cruentam et meminerint et sperabunt; quam P. Sulla cum vibrasset dictatore propinquo suo, idem sexto tricensimo anno post a sceleratiore hasta non recessit; alter autem, qui in illa dictatura scriba fuerat, in hac fuit quaestor urbanus. Ex quo debet intellegi talibus praemiis propositis numquam defutura bella civilia. Itaque parietes modo urbis stant et manent, iique ipsi iam extrema scelera metuentes, rem vero publicam pe-

nitus amisimus. Atque in has clades incidimus (rede-
undum est enim ad propositum), dum metui quam cari
esse et diligi malumus. Quae si populo Romano in-
iuste imperanti accidere potuerunt, quid debent putare
singuli? Quod cum perspicuum sit, benivolentiae vim
esse magnam, metus inbecillam, sequitur, ut disseramus,
quibus rebus facillime possimus eam, quam volumus,
30 adipisci cum honore et fide caritatem. Sed ea non pa-
riter omnes egemus; nam ad cuiusque vitam institutam
accommodandum est, a multisne opus sit an satis sit a
paucis diligi. Certum igitur hoc sit, idque et primum
et maxume necessarium, familiaritates habere fidas
amantium nos amicorum et nostra mirantium; haec
enim una res prorsus, ut non multum differat inter
summos et mediocris viros, aeque utrisque est prope-
31 modum comparanda. Honore et gloria et benivolentia
civium fortasse non aeque omnes egent, sed tamen, si
cui haec suppetunt, adiuvant aliquantum cum ad cetera,
tum ad amicitias comparandas.

9 Sed de amicitia alio libro dictum est, qui inscribitur
Laelius; nunc dicamus de gloria, quamquam ea quoque
de re duo sunt nostri libri, sed attingamus, quandoqui-
dem ea in rebus maioribus administrandis adiuvat plu-
rimum. Summa igitur et perfecta gloria constat ex
tribus his: si diligit multitudo, si fidem habet, si cum
admiratione quadam honore dignos putat. Haec autem,
si est simpliciter breviterque dicendum, quibus rebus
pariuntur a singulis, eisdem fere a multitudine. Sed
est alius quoque quidam aditus ad multitudinem, ut in
32 universorum animos tamquam influere possimus. Ac
primum de illis tribus, quae ante dixi, benivolentiae
praecepta videamus; quae quidem capitur beneficiis

maxime, secundo autem loco voluntate benefica benivolentia movetur, etiamsi res forte non suppetit; vehementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis, beneficentiae, iustitiae, fidei omniumque earum virtutum, quae pertinent ad mansuetudinem morum ac facilitatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet animosque omnium natura et specie sua commovet maximeque quasi perlucet ex iis, quas commemoravi, virtutibus, idcirco illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Atque hae quidem causae diligendi gravissimae; possunt enim praeterea non nullae esse leviores. Fides autem ut 33
habeatur, duabus rebus effici potest, si existimabimur adepti coniunctam cum iustitia prudentiam. Nam et iis fidem habemus, quos plus intellegere quam nos arbitramur quosque et futura prospicere credimus et, cum res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse; hanc enim utilem homines existimant veramque prudentiam. Iustis autem [et fidis] hominibus, id est bonis viris, ita fides habetur, ut nulla sit in iis fraudis iniuriaeque suspicio. Itaque his salutem nostram, his fortunas, his liberos rectissime committi arbitramur. Harum igitur dua- 34
rum ad fidem faciendam iustitia plus pollet, quippe cum ea sine prudentia satis habeat auctoritatis, prudentia sine iustitia nihil valet ad faciendam fidem. Quo enim quis versutior et callidior, hoc invisior et suspectior detracta opinione probitatis. Quam ob rem intellegentiae iustitia coniuncta, quantum volet, habebit ad faciendam fidem virium; iustitia sine prudentia multum poterit, sine iustitia nihil valebit prudentia.

10
35 Sed ne quis sit admiratus, cur, cum inter omnes philosophos constet a meque ipso saepe disputatum sit, qui unam haberet, omnes habere virtutes, nunc ita seiungam, quasi possit quisquam, qui non idem prudens sit, iustus esse, alia est illa, cum veritas ipsa limatur in disputatione, subtilitas, alia, cum ad opinionem communem omnis accommodatur oratio. Quam ob rem, ut volgus, ita nos hoc loco loquimur, ut alios fortes, alios viros bonos, alios prudentes esse dicamus; popularibus enim verbis est agendum et usitatis, cum loquimur de opinione populari, idque eodem modo fecit Panaetius.

36 Sed ad propositum revertamur. Erat igitur ex iis tribus, quae ad gloriam pertinerent, hoc tertium, ut cum admiratione hominum honore ab iis digni iudicaremur. Admirantur igitur communiter illi quidem omnia, quae magna et praeter opinionem suam animadverterunt, separatim autem, in singulis si perspiciunt necopinata quaedam bona. Itaque eos viros suspiciunt maxumisque ecferunt laudibus, in quibus existumant se excellentes quasdam et singulares perspicere virtutes, despiciunt autem eos et contemnunt, in quibus nihil virtutis, nihil animi, nihil nervorum putant. Non enim omnes eos contemnunt, de quibus male existumant. Nam quos improbos, maledicos, fraudulentos putant et ad faciendam iniuriam instructos, eos haud contemnunt quidem, sed de iis male existumant. Quam ob rem, ut ante dixi, contemnuntur ii, qui "nec sibi nec alteri," ut dicitur, in quibus nullus labor, nulla industria, nulla
37 cura est. Admiratione autem adficiuntur ii, qui anteire ceteris virtute putantur et cum omni carere dedecore, tum vero iis vitiis, quibus alii non facile possunt obsistere. Nam et voluptates, blandissumae dominae,

maioris partis animos a virtute detorquent et, dolorum cum admoventur faces, praeter modum plerique exterrentur; vita mors, divitiae paupertas omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo magnoque despiciunt, cumque aliqua iis ampla et honesta res obiecta est, totos ad se convertit et rapit, tum quis non admiretur splendorem pulchritudinemque virtutis? Ergo et haec animi de- 11 38
spicientia admirabilitatem magnam facit et maxume iustitia, ex qua una virtute viri boni appellantur, mirifica quaedam multitudini videtur, nec iniuria; nemo enim iustus esse potest, qui mortem, qui dolorem, qui exilium, qui egestatem timet, aut qui ea, quae sunt his contraria, aequitati anteponit. Maximeque admirantur eum, qui pecunia non movetur; quod in quo viro perspectum sit, hunc igni spectatum arbitrantur. Itaque illa tria, quae proposita sunt ad gloriam, omnia iustitia conficit, et benivolentiam, quod prodesse vult plurimis, et ob eandem causam fidem et admirationem, quod eas res spernit et neglegit, ad quas plerique inflammati aviditate rapiuntur.

Ac mea quidem sententia omnis ratio atque institutio 39
vitae adiumenta hominum desiderat, in primisque ut habeat, quibuscum possit familiares conferre sermones; quod est difficile, nisi speciem prae te boni viri feras. Ergo etiam solitario homini atque in agro vitam agenti opinio iustitiae necessaria est, eoque etiam magis, quod, eam si non habebunt, [iniusti habebuntur,] nullis praesidiis saepti multis afficientur iniuriis. Atque iis etiam, 40
qui vendunt emunt, conducunt locant contrahendisque negotiis implicantur, iustitia ad rem gerendam necessaria est, cuius tanta vis est, ut ne illi quidem, qui

maleficio et scelere pascuntur, possint sine ulla particula iustitiae vivere. Nam qui eorum cuipiam, qui una latrocinantur, furatur aliquid aut eripit, is sibi ne in latrocinio quidem relinquit locum, ille autem, qui archipirata dicitur, nisi aequabiliter praedam dispertiat, aut interficiatur a sociis aut relinquatur; quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. Itaque propter aequabilem praedae partitionem et Bardulis Illyrius latro, de quo est apud Theopompum, magnas opes habuit et multo maiores Viriathus Lusitanus; cui quidem etiam exercitus nostri imperatoresque cesserunt; quem C. Laelius, is qui Sapiens usurpatur, praetor fregit et comminuit ferocitatemque eius ita repressit, ut facile bellum reliquis traderet. Cum igitur tanta vis iustitiae sit, ut ea etiam latronum opes firmet atque augeat, quantam eius vim inter leges et
12 41 iudicia et in constituta re publica fore putamus? Mihi quidem non apud Medos solum, ut ait Herodotus, sed etiam apud maiores nostros iustitiae fruendae causa videntur olim bene morati reges constituti. Nam cum premeretur inops multitudo ab iis, qui maiores opes habebant, ad unum aliquem confugiebant virtute praestantem; qui cum prohiberet iniuria tenuiores, aequitate constituenda summos cum infimis pari iure retinebat. Eademque constituendarum legum fuit causa, quae
42 regum. Ius enim semper est quaesitum aequabile; neque enim aliter esset ius. Id si ab uno iusto et bono viro consequebantur, erant eo contenti; cum id minus contingeret, leges sunt inventae, quae cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de iustitia magna esset opinio multitudinis.

Adiuncto vero, ut idem etiam prudentes haberentur,
nihil erat, quod homines iis auctoribus non posse con-
sequi se arbitrarentur. Omni igitur ratione colenda et
retinenda iustitia est cum ipsa per sese (nam aliter iu-
stitia non esset), tum propter amplificationem honoris
et gloriae. Sed ut pecuniae non quaerendae solum
ratio est, verum etiam collocandae, quae perpetuos
sumptus suppeditet, nec solum necessarios, sed etiam
liberales, sic gloria et quaerenda et collocanda ratione
est. Quamquam praeclare Socrates hanc viam ad 43
gloriam proximam et quasi compendiariam dicebat
esse, si quis id ageret, ut, qualis haberi vellet, talis esset.
Quodsi qui simulatione et inani ostentatione et ficto
non modo sermone, sed etiam voltu stabilem se gloriam
consequi posse rentur, vehementer errant. Vera gloria
radices agit atque etiam propagatur, ficta omnia celeri-
ter tamquam flosculi decidunt, nec simulatum potest
quicquam esse diuturnum. Testes sunt permulti in
utramque partem, sed brevitatis causa familia contenti
erimus una. Ti. enim Gracchus P. f. tam diu lauda-
bitur, dum memoria rerum Romanarum manebit; at
eius filii nec vivi probabantur bonis et mortui numerum
optinent iure caesorum. Qui igitur adipisci veram **13**
gloriam volet, iustitiae fungatur officiis. Ea quae es-
sent, dictum est in libro superiore.

Sed ut facillime, quales simus, tales esse videamur, **(13)** 44
etsi in eo ipso vis maxima est, ut simus ii, qui haberi
velimus, tamen quaedam praecepta danda sunt. Nam
si quis ab ineunte aetate habet causam celebritatis et
nominis aut a patre acceptam, quod tibi, mi Cicero, ar-
bitror contigisse, aut aliquo casu atque fortuna, in hunc
oculi omnium coniciuntur atque in eum, quid agat,

quem ad modum vivat, inquiritur et, tamquam in claris-
sima luce versetur, ita nullum obscurum potest nec dic-
45 tum eius esse nec factum. Quorum autem prima aetas
propter humilitatem et obscuritatem in hominum igno-
ratione versatur, ii, simul ac iuvenes esse coeperunt,
magna spectare et ad ea rectis studiis debent con-
tendere; quod eo firmiore animo facient, quia non
modo non invidetur illi aetati, verum etiam favetur.
Prima igitur est adulescenti commendatio ad gloriam,
si qua ex bellicis rebus comparari potest, in qua multi
apud maiores nostros exstiterunt; semper enim fere
bella gerebantur. Tua autem aetas incidit in id bel-
lum, cuius altera pars sceleris nimium habuit, altera
felicitatis parum. Quo tamen in bello cum te Pom-
peius alae [alteri] praefecisset, magnam laudem et a
summo viro et ab exercitu consequebare equitando,
iaculando, omni militari labore tolerando. Atque ea
quidem tua laus pariter cum re publica cecidit. Mihi
autem haec oratio suscepta non de te est, sed de genere
46 toto; quam ob rem pergamus ad ea, quae restant. Ut
igitur in reliquis rebus multo maiora opera sunt animi
quam corporis, sic eae res, quas ingenio ac ratione perse-
quimur, gratiores sunt quam illae, quas viribus. Prima
igitur commendatio proficiscitur a modestia cum pie-
tate in parentes, in suos benivolentia. Facillume au-
tem et in optimam partem cognoscuntur adulescentes,
qui se ad claros et sapientes viros bene consulentes rei
publicae contulerunt; quibuscum si frequentes sunt,
opinionem adferunt populo eorum fore se similes, quos
47 sibi ipsi delegerint ad imitandum. P. Rutili adule-
scentiam ad opinionem et innocentiae et iuris scientiae
P. Muci commendavit domus. Nam L. quidem Cras-

sus, cum esset admodum adulescens, non aliunde mutuatus est, sed sibi ipse peperit maxumam laudem ex illa accusatione nobili et gloriosa, et, qua aetate qui exercentur, laude adfici solent, ut de Demosthene accepimus, ea aetate L. Crassus ostendit id se in foro optume iam facere, quod etiam tum poterat domi cum laude meditari. Sed cum duplex ratio sit orationis, 14 48
quarum in altera sermo est, in altera contentio, non est id quidem dubium, quin contentio [orationis] maiorem vim habeat ad gloriam (ea est enim, quam eloquentiam dicimus); sed tamen difficile dictu est, quantopere conciliet animos comitas adfabilitasque sermonis. Exstant epistulae et Philippi ad Alexandrum et Antipatri ad Cassandrum et Antigoni ad Philippum filium, trium prudentissimorum (sic enim accepimus); quibus praecipiunt, ut oratione benigna multitudinis animos ad benivolentiam alliciant militesque blande appellando deliniant. Quae autem in multitudine cum contentione habetur oratio, ea saepe universam excitat; magna est enim admiratio copiose sapienterque dicentis; quem qui audiunt, intellegere etiam et sapere plus quam ceteros arbitrantur. Si vero inest in oratione mixta modestia gravitas, nihil admirabilius fieri potest, eoque magis, si ea sunt in adulescente. Sed cum sint plura 49
causarum genera, quae eloquentiam desiderent, multique in nostra re publica adulescentes et apud iudices et apud populum et apud senatum dicendo laudem assecuti sint, maxima est admiratio in iudiciis; quorum ratio duplex est. Nam ex accusatione et ex defensione constat; quarum etsi laudabilior est defensio, tamen etiam accusatio probata persaepe est. Dixi paulo ante de Crasso; idem fecit adulescens M. Antonius. Etiam

P. Sulpici eloquentiam accusatio inlustravit, cum sedi-
tiosum et inutilem civem, C. Norbanum, in iudicium
50 vocavit. Sed hoc quidem non est saepe faciendum nec
umquam nisi aut rei publicae causa, ut ii, quos ante
dixi, aut ulciscendi, ut duo Luculli, aut patrocinii, ut
nos pro Siculis, pro Sardis in Albucio Iulius. In ac-
cusando etiam M'. Aquilio L. Fufi cognita industria
est. Semel igitur aut non saepe certe. Sin erit, cui
faciendum sit saepius, rei publicae tribuat hoc muneris,
cuius inimicos ulcisci saepius non est reprehendendum;
modus tamen adsit. Duri enim hominis vel potius vix
hominis videtur periculum capitis inferre multis. Id
cum periculosum ipsi est, tum etiam sordidum ad fa-
mam, committere, ut accusator nominere; quod conti-
git M. Bruto summo genere nato, illius filio, qui iuris
51 civilis in primis peritus fuit. Atque etiam hoc prae-
ceptum officii diligenter tenendum est, ne quem um-
quam innocentem iudicio capitis arcessas; id enim sine
scelere fieri nullo pacto potest. Nam quid est tam in-
humanum quam eloquentiam a natura ad salutem homi-
num et ad conservationem datam ad bonorum pestem
perniciemque convertere? Nec tamen, ut hoc fugien-
dum est, item est habendum religioni nocentem ali-
quando, modo ne nefarium impiumque, defendere; vult
hoc multitudo, patitur consuetudo, fert etiam humani-
tas. Iudicis est semper in causis verum sequi, patroni
non numquam veri simile, etiamsi minus sit verum, de-
fendere; quod scribere, praesertim cum de philosophia
scriberem, non auderem, nisi idem placeret gravissimo
Stoicorum, Panaetio. Maxume autem et gloria paritur
et gratia defensionibus, eoque maior, si quando accidit,
ut ei subveniatur, qui potentis alicuius opibus circum-

veniri urguerique videatur, ut nos et saepe alias et adulescentes contra L. Sullae dominantis opes pro Sex. Roscio Amerino fecimus, quae, ut scis, exstat oratio.

Sed expositis adulescentium officiis, quae valeant ad 15 52 gloriam adipiscendam, deinceps de beneficentia ac de liberalitate dicendum est; cuius est ratio duplex; nam aut opera benigne fit indigentibus aut pecunia. Facilior est haec posterior, locupleti praesertim, sed illa lautior ac splendidior et viro forti claroque dignior. Quamquam enim in utraque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur, largitioque, quae fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur; qua quo in plures usus sis, eo minus in multos uti possis. At qui opera, id est virtute et industria, 53 benefici et liberales erunt, primum, quo pluribus profuerint, eo plures ad benigne faciendum adiutores habebunt, dein consuetudine beneficentiae paratiores erunt et tamquam exercitatiores ad bene de multis promerendum. Praeclare in epistula quadam Alexandrum filium Philippus accusat, quod largitione benivolentiam Macedonum consectetur: "Quae te, malum!" inquit, "ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem suum, sed ministrum et praebitorem sperent fore?" Bene "ministrum et praebitorem," quia sordidum regi, melius etiam, quod largitionem "corruptelam" dixit esse; fit enim deterior, qui accipit, atque ad idem semper exspectandum paratior. Hoc ille filio, sed praeceptum putemus omnibus. Quam 54 ob rem id quidem non dubium est, quin illa benignitas, quae constet ex opera et industria, et honestior sit et

latius pateat et possit prodesse pluribus; non numquam
tamen est largiendum, nec hoc benignitatis genus om-
nino repudiandum est et saepe idoneis hominibus in-
digentibus de re familiari inpertiendum, sed diligenter
atque moderate; multi enim patrimonia effuderunt in-
consulte largiendo. Quid autem est stultius quam,
quod libenter facias, curare, ut id diutius facere non
possis? Atque etiam sequuntur largitionem rapinae;
cum enim dando egere coeperunt, alienis bonis manus
afferre coguntur. Ita, cum benivolentiae comparandae
causa benefici esse velint, non tanta studia assequuntur
eorum, quibus dederunt, quanta odia eorum, quibus
55 ademerunt. Quam ob rem nec ita claudenda res est
familiaris, ut eam benignitas aperire non possit, nec ita
reseranda, ut pateat omnibus; modus adhibeatur, isque
referatur ad facultates. Omnino meminisse debemus,
id quod a nostris hominibus saepissime usurpatum iam
in proverbii consuetudinem venit, "largitionem fun-
dum non habere;" etenim quis potest modus esse, cum
et idem, qui consuerunt, et idem illud alii desiderent?
16 Omnino duo sunt genera largorum, quorum alteri pro-
digi, alteri liberales; prodigi, qui epulis et viscerationi-
bus et gladiatorum muneribus ludorum venationumque
apparatu pecunias profundunt in eas res, quarum me-
56 moriam aut brevem aut nullam omnino sint relicturi,
liberales autem, qui suis facultatibus aut captos a prae-
donibus redimunt aut aes alienum suscipiunt amicorum
aut in filiarum collocatione adiuvant aut opitulantur in
(56) re vel quaerenda vel augenda. Itaque miror, quid in
mentem venerit Theophrasto in eo libro, quem de divi-
tiis scripsit; in quo multa praeclare, illud absurde: est
enim multus in laudanda magnificentia et apparatione

popularium munerum taliumque sumptuum facultatem
fructum divitiarum putat. Mihi autem ille fructus
liberalitatis, cuius pauca exempla posui, multo et maior
videtur et certior. Quanto Aristoteles gravius et verius
nos reprehendit! qui has pecuniarum effusiones non
admiremur, quae fiunt ad multitudinem deliniendam.
Ait enim, "qui ab hoste obsidentur, si emere aquae
sextarium cogerentur mina, hoc primo incredibile nobis
videri, omnesque mirari, sed cum attenderint, veniam
necessitati dare; in his inmanibus iacturis infinitisque
sumptibus nihil nos magnopere mirari, cum praesertim
neque necessitati subveniatur nec dignitas augeatur
ipsaque illa delectatio multitudinis ad breve exiguum-
que tempus *capiatur*, eaque a levissumo quoque, in
quo tamen ipso una cum satietate memoria quoque
moriatur voluptatis." Bene etiam colligit "haec pueris 57
et mulierculis et servis et servorum simillimis liberis
esse grata, gravi vero homini et ea, quae fiunt, iudicio
certo ponderanti probari posse nullo modo." Quam-
quam intellego in nostra civitate inveterasse iam bonis
temporibus, ut splendor aedilitatum ab optimis viris
postuletur. Itaque et P. Crassus cum cognomine dives
tum copiis functus est aedilicio maximo munere, et
paulo post L. Crassus cum omnium hominum modera-
tissimo Q. Mucio magnificentissima aedilitate functus
est, deinde C. Claudius App. f., multi post, Luculli,
Hortensius, Silanus; omnes autem P. Lentulus me con-
sule vicit superiores; hunc est Scaurus imitatus; magni-
ficentissima vero nostri Pompei munera secundo con-
sulatu; in quibus omnibus quid mihi placeat, vides. Vi- **17**
tanda tamen suspicio est avaritiae. Mamerco, homini 58
divitissimo, praetermissio aedilitatis consulatus repul-

sam attulit. Quare et, si postulatur a populo, bonis viris si non desiderantibus, at tamen adprobantibus faciundum est, modo pro facultatibus, nos ipsi ut fecimus, et, si quando aliqua res maior atque utilior populari largitione adquiritur, ut Oresti nuper prandia in semitis decumae nomine magno honori fuerunt. Ne M. quidem Seio vitio datum est, quod in caritate asse modium populo dedit; magna enim se et inveterata invidia nec turpi iactura, quando erat aedilis, nec maxima liberavit. Sed honori summo nuper nostro Miloni fuit, qui gladiatoribus emptis rei publicae causa, quae salute nostra continebatur, omnes P. Clodi conatus furoresque compressit. Causa igitur largitionis
59 est, si aut necesse est aut utile. In his autem ipsis mediocritatis regula optima est. L. quidem Philippus Q. f., magno vir ingenio in primisque clarus, gloriari solebat se sine ullo munere adeptum esse omnia, quae haberentur amplissima. Dicebat idem Cotta, Curio. Nobis quoque licet in hoc quodam modo gloriari; nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus nostro quidem anno, quod contigit eorum nemini, quos modo nominavi, sane exiguus sumptus
60 aedilitatis fuit. Atque etiam illae impensae meliores, muri, navalia, portus, aquarum ductus omniaque, quae ad usum rei publicae pertinent. Quamquam, quod praesens tamquam in manum datur, iucundius est; tamen haec in posterum gratiora. Theatra, porticus, nova templa verecundius reprehendo propter Pompeium, sed doctissimi non probant, ut et hic ipse Panaetius, quem multum in his libris secutus sum, non interpretatus, et Phalereus Demetrius, qui Periclem, principem Graeciae, vituperat, quod tantam pecuniam in

praeclara illa propylaea coniecerit. Sed de hoc genere
toto in iis libris, quos de re publica scripsi, diligenter
est disputatum. Tota igitur ratio talium largitionum
genere vitiosa est, temporibus necessaria, et tum ipsum
et ad facultates accommodanda et mediocritate mode-
randa est.

In illo autem altero genere largiendi, quod a libera- 18 61
litate proficiscitur, non uno modo in disparibus causis
adfecti esse debemus. Alia causa est eius, qui calami-
tate premitur, et eius, qui res meliores quaerit nullis
suis rebus adversis. Propensior benignitas esse debe- 62
bit in calamitosos, nisi forte erunt digni calamitate.
In iis tamen, qui se adiuvari volent, non ne adfligan-
tur, sed ut altiorem gradum ascendant, restricti om-
nino esse nullo modo debemus, sed in deligendis ido-
neis iudicium et diligentiam adhibere. Nam praeclare
Ennius:

Bene fácta male locáta male facta árbitror.

Quod autem tributum est bono viro et grato, in eo cum 63
ex ipso fructus est, tum etiam ex ceteris. Temeritate
enim remota gratissima est liberalitas, eoque eam studio-
sius plerique laudant, quod summi cuiusque bonitas
commune perfugium est omnium. Danda igitur opera
est, ut iis beneficiis quam plurimos adficiamus, quorum
memoria liberis posterisque prodatur, ut iis ingratis
esse non liceat. Omnes enim inmemorem beneficii
oderunt eamque iniuriam in deterrenda liberalitate sibi
etiam fieri eumque, qui faciat, communem hostem
tenuiorum putant. Atque haec benignitas etiam rei
publicae est utilis, redimi e servitute captos, locuple-
tari tenuiores; quod quidem volgo solitum fieri ab or-
dine nostro in oratione Crassi scriptum copiose vide-

mus. Hanc ergo consuetudinem benignitatis largitioni munerum longe antepono; haec est gravium hominum atque magnorum, illa quasi adsentatorum populi mul-
64 titudinis levitatem voluptate quasi titillantium. Conveniet autem cum in dando munificum esse, tum in exigendo non acerbum in omnique re contrahenda, vendundo emendo, conducendo locando, vicinitatibus et confiniis, aequum, facilem, multa multis de suo iure cedentem, a litibus vero, quantum liceat et nescio an paulo plus etiam, quam liceat, abhorrentem. Est enim non modo liberale paulum non numquam de suo iure decedere, sed interdum etiam fructuosum. Habenda autem ratio est rei familiaris, quam quidem dilabi sinere flagitiosum est, sed ita, ut inliberalitatis avaritiaeque absit suspicio; posse enim liberalitate uti non spoliantem se patrimonio nimirum est pecuniae fructus maximus. Recte etiam a Theophrasto est laudata hospitalitas; est enim, ut mihi quidem videtur, valde decorum patere domus hominum inlustrium hospitibus inlustribus, idque etiam rei publicae est ornamento, homines externos hoc liberalitatis genere in urbe nostra non egere. Est autem etiam vehementer utile iis, qui honeste posse multum volunt, per hospites apud externos populos valere opibus et gratia. Theophrastus quidem scribit Cimonem Athenis etiam in suos curiales Laciadas hospitalem fuisse; ita enim instituisse et vilicis imperavisse, ut omnia praeberentur, quicumque Laciades in villam suam devertisset.

19
65 Quae autem opera, non largitione beneficia dantur, haec tum in universam rem publicam, tum in singulos cives conferuntur. Nam in iure cavere, consilio iuvare atque hoc scientiae genere prodesse quam plurimis

vehementer et ad opes augendas pertinet et ad gra-
tiam. Itaque cum multa praeclara maiorum, tum quod
optime constituti iuris civilis summo semper in honore
fuit cognitio atque interpretatio; quam quidem ante
hanc confusionem temporum in possessione sua prin-
cipes retinuerunt, nunc, ut honores, ut omnes digni-
tatis gradus, sic huius scientiae splendor deletus est,
idque eo indignius, quod eo tempore hoc contigit, cum
is esset, qui omnes superiores, quibus honore par esset,
scientia facile vicisset. Haec igitur opera grata multis
et ad beneficiis obstringendos homines accommodata.
Atque huic arti finituma est dicendi facultas et gratior 66
et ornatior. Quid enim eloquentia praestabilius vel
admiratione audientium vel spe indigentium vel eorum,
qui defensi sunt, gratia? Huic ergo a maioribus nos-
tris est in toga dignitatis principatus datus. Diserti
igitur hominis et facile laborantis, quodque in patriis
est moribus, multorum causas et non gravate et gra-
tuito defendentis beneficia et patrocinia late patent.
Admonebat me res, ut hoc quoque loco intermissionem 67
eloquentiae, ne dicam interitum, deplorarem, ni vere-
rer, ne de me ipso aliquid viderer queri. Sed tamen
videmus, quibus exstinctis oratoribus quam in paucis
spes, quanto in paucioribus facultas, quam in multis sit
audacia. Cum autem omnes non possint, ne multi
quidem, aut iuris periti esse aut diserti, licet tamen
opera prodesse multis beneficia petentem, commendan-
tem iudicibus, magistratibus, vigilantem pro re alte-
rius, eos ipsos, qui aut consuluntur aut defendunt, ro-
gantem; quod qui faciunt, plurimum gratiae conse-
quuntur, latissimeque eorum manat industria. Iam 68
illud non sunt admonendi (est enim in promptu), ut

animadvertant, cum iuvare alios velint, ne quos offendant. Saepe enim aut eos laedunt, quos non debent, aut eos, quos non expedit; si inprudentes, neglegentiae est, si scientes, temeritatis. Utendum etiam est excusatione adversus eos, quos invitus offendas, quacumque possis, quare id, quod feceris, necesse fuerit nec aliter facere potueris, ceterisque operis et officiis erit id, quod violatum videbitur, compensandum.

20
69 Sed cum in hominibus iuvandis aut mores spectari aut fortuna soleat, dictu quidem est proclive, itaque volgo loquuntur, se in beneficiis collocandis mores hominum, non fortunam sequi. Honesta oratio est; sed quis est tandem, qui inopis et optimi viri causae non anteponat in opera danda gratiam fortunati et potentis? a quo enim expeditior et celerior remuneratio fore videtur, in eum fere est voluntas nostra propensior. Sed animadvertendum est diligentius, quae natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiamsi referre gratiam non potest, habere certe potest. Commode autem, quicumque dixit, "pecuniam qui habeat, non reddidisse, qui reddiderit, non habere, gratiam autem et, qui rettulerit, habere et, qui habeat, rettulisse." At qui se locupletes, honoratos, beatos putant, ii ne obligari quidem beneficio volunt; quin etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint, atque etiam a se aut postulari aut exspectari aliquid suspicantur, patrocinio vero se usos aut clientes appellari mortis instar putant.
70 At vero ille tenuis, cum, quicquid factum sit, se spectatum, non fortunam putet, non modo illi, qui est meritus, sed etiam illis, a quibus exspectat (eget enim multis), gratum se videri studet neque vero verbis auget

suum munus, si quo forte fungitur, sed etiam extenuat. Videndumque illud est, quod, si opulentum fortunatumque defenderis, in uno illo aut, si forte, in liberis eius manet gratia; sin autem inopem, probum tamen et modestum, omnes non inprobi humiles, quae magna in populo multitudo est, praesidium sibi paratum vident. Quam ob rem melius apud bonos quam apud 71
fortunatos beneficium collocari puto. Danda omnino opera est, ut omni generi satis facere possimus; sed si res in contentionem veniet, nimirum Themistocles est auctor adhibendus; qui cum consuleretur, utrum bono viro pauperi an minus probato diviti filiam collocaret: "Ego vero," inquit, "malo virum, qui pecunia egeat, quam pecuniam, quae viro." Sed corrupti mores depravatique sunt admiratione divitiarum; quarum magnitudo quid ad unum quemque nostrum pertinet? Illum fortasse adiuvat, qui habet. Ne id quidem semper; sed fac iuvare; utentior sane sit, honestior vero quo modo? Quodsi etiam bonus erit vir, ne impediant divitiae, quo minus iuvetur, modo ne adiuvent, sitque omne iudicium, non quam locuples, sed qualis quisque sit! Extremum autem praeceptum in beneficiis operaque danda, ne quid contra aequitatem contendas, ne quid pro iniuria; fundamentum enim est perpetuae commendationis et famae iustitia, sine qua nihil potest esse laudabile.

Sed, quoniam de eo genere beneficiorum dictum est, 21 72
quae ad singulos spectant, deinceps de iis, quae ad universos quaeque ad rem publicam pertinent, disputandum est. Eorum autem ipsorum partim eius modi sunt, ut ad universos cives pertineant, partim, singulos ut attingant; quae sunt etiam gratiora. Danda opera

est omnino, si possit, utrisque, nec minus, ut etiam sin-
gulis consulatur, sed ita, ut ea res aut prosit aut certe
ne obsit rei publicae. C. Gracchi frumentaria magna
largitio; exhauriebat igitur aerarium; modica M. Oc-
tavi et rei publicae tolerabilis et plebi necessaria; ergo
73 et civibus et rei publicae salutaris. In primis autem
videndum erit ei, qui rem publicam administrabit, ut
suum quisque teneat neque de bonis privatorum publice
deminutio fiat. Perniciose enim Philippus, in tribu-
natu cum legem agrariam ferret, quam tamen antiquari
facile passus est et in eo vehementer se moderatum
praebuit,—sed cum in agendo multa populariter, tum
illud male, "non esse in civitate duo milia hominum,
qui rem haberent." Capitalis oratio est, ad aequatio-
nem bonorum pertinens; qua peste quae potest esse
maior? Hanc enim ob causam maxume, ut sua teneren-
tur, res publicae civitatesque constitutae sunt. Nam,
etsi duce natura congregabantur homines, tamen spe
custodiae rerum suarum urbium praesidia quaerebant.
74 Danda etiam opera est, ne, quod apud maiores nostros
saepe fiebat propter aerarii tenuitatem assiduitatemque
bellorum, tributum sit conferendum, idque ne eveniat,
multo ante erit providendum. Sin quae necessitas
huius muneris alicui rei publicae obvenerit (malo enim
alii quam nostrae ominari; neque tamen de nostra, sed
de omni re publica disputo), danda erit opera, ut omnes
intellegant, si salvi esse velint, necessitati esse paren-
dum. Atque etiam omnes, qui rem publicam guberna-
bunt, consulere debebunt, ut earum rerum copia sit,
quae sunt necessariae. Quarum qualis comparatio fieri
soleat et debeat, non est necesse disputare; est enim in
75 promptu; tantum locus attingendus fuit. Caput autem

est in omni procuratione negotii et muneris publici, ut avaritiae pellatur etiam minima suspicio. "Utinam," inquit C. Pontius Samnis, "ad illa tempora me fortuna reservavisset et tum essem natus, quando Romani accipere dona coepissent! non essem passus diutius eos imperare." Ne illi multa saecula exspectanda fuerunt; modo enim hoc malum in hanc rem publicam invasit. Itaque facile patior tum potius Pontium fuisse, siquidem in illo tantum fuit roboris. Nondum centum et decem anni sunt, cum de pecuniis repetundis a L. Pisone lata lex est, nulla antea cum fuisset. At vero postea tot leges et proxumae quaeque duriores, tot rei, tot damnati, tantum [Italicum] bellum propter iudiciorum metum excitatum, tanta sublatis legibus et iudiciis expilatio direptioque sociorum, ut inbecillitate ali-
orum, non nostra virtute valeamus. Laudat Africa- 22
num Panaetius, quod fuerit abstinens. Quidni laudet? 76
Sed in illo alia maiora; laus abstinentiae non hominis est solum, sed etiam temporum illorum. Omni Macedonum gaza, quae fuit maxima, potitus Paulus tantum in aerarium pecuniae invexit, ut unius inperatoris praeda finem attulerit tributorum. At hic nihil domum suam intulit praeter memoriam nominis sempiternam. Imitatus patrem Africanus nihilo locupletior Carthagine eversa. Quid? qui eius collega fuit in censura, L. Mummius, numquid copiosior, cum copiosissimam urbem funditus sustulisset? Italiam ornare quam domum suam maluit; quamquam Italia ornata domus
ipsa mihi videtur ornatior. Nullum igitur vitium tae- 77
trius est, ut eo, unde egressa est, referat se oratio, quam avaritia, praesertim in principibus et rem publicam gubernantibus. Habere enim quaestui rem publicam

non modo turpe est, sed sceleratum etiam et nefarium. Itaque, quod Apollo Pythius oraclum edidit, Spartam nulla re alia nisi avaritia esse perituram, id videtur non solum Lacedaemoniis, sed etiam omnibus opulentis populis praedixisse. Nulla autem re conciliare facilius benivolentiam multitudinis possunt ii, qui rei publicae
78 praesunt, quam abstinentia et continentia. Qui vero se populares volunt ob eamque causam aut agrariam rem temptant, ut possessores pellantur suis sedibus, aut pecunias creditas debitoribus condonandas putant, labefactant fundamenta rei publicae, concordiam primum, quae esse non potest, cum aliis adimuntur, aliis condonantur pecuniae, deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. Id enim est proprium, ut supra dixi, civitatis atque urbis, ut sit
79 libera et non sollicita suae rei cuiusque custodia. Atque in hac pernicie rei publicae ne illam quidem consequuntur, quam putant, gratiam; nam cui res erepta est, est inimicus, cui data est, etiam dissimulat se accipere voluisse et maxime in pecuniis creditis occultat suum gaudium, ne videatur non fuisse solvendo; at vero ille, qui accepit iniuriam, et meminit et prae se fert dolorem suum, nec, si plures sunt ii, quibus inprobe datum est, quam illi quibus iniuste ademptum est, idcirco plus etiam valent; non enim numero haec iudicantur, sed pondere. Quam autem habet aequitatem, ut agrum multis annis aut etiam saeculis ante possessum, qui nullum habuit, habeat, qui autem ha-
23 80 buit, amittat? Ac propter hoc iniuriae genus Lacedaemonii Lysandrum ephorum expulerunt, Agim regem, quod numquam antea apud eos acciderat, necaverunt, exque eo tempore tantae discordiae secutae sunt, ut et

tyranni existerent et optumates exterminarentur et praeclarissime constituta res publica dilaberetur; nec vero solum ipsa cecidit, sed etiam reliquam Graeciam evertit contagionibus malorum, quae a Lacedaemoniis profectae manarunt latius. Quid? nostros Gracchos, Ti. Gracchi summi viri filios, Africani nepotes, nonne agrariae contentiones perdiderunt? At vero Aratus 81
Sicyonius iure laudatur, qui, cum eius civitas quinquaginta annos a tyrannis teneretur, profectus Argis Sicyonem clandestino introitu urbe est potitus, cumque tyrannum Nicoclem improviso oppressisset, sescentos exsules, qui locupletissimi fuerant eius civitatis, restituit remque publicam adventu suo liberavit. Sed cum magnam animadverteret in bonis et possessionibus difficultatem, quod et eos, quos ipse restituerat, quorum bona alii possederant, egere iniquissimum esse arbitrabatur et quinquaginta annorum possessiones moveri non nimis aequum putabat, propterea quod tam longo spatio multa hereditatibus, multa emptionibus, multa dotibus tenebantur sine iniuria, iudicavit neque illis adimi nec iis non satis fieri, quorum illa fuerant, oportere. Cum igitur statuisset opus esse ad eam rem 82
constituendam pecunia, Alexandream se proficisci velle dixit remque integram ad reditum suum iussit esse, isque celeriter ad Ptolomaeum, suum hospitem, venit, qui tum regnabat alter post Alexandream conditam. Cui cum exposuisset patriam se liberare velle causamque docuisset, a rege opulento vir summus facile impetravit, ut grandi pecunia adiuvaretur. Quam cum Sicyonem attulisset, adhibuit sibi in consilium quindecim principes, cum quibus causas cognovit et eorum, qui aliena tenebant, et eorum, qui sua amiserant, perfecit-

que aestumandis possessionibus, ut persuaderet aliis, ut
pecuniam accipere mallent, possessionibus cederent,
aliis, ut commodius putarent numerari sibi, quod tanti
esset, quam suum recuperare. Ita perfectum est, ut
omnes concordia constituta sine querella discederent.
83 O virum magnum dignumque, qui in re publica nostra
natus esset! Sic par est agere cum civibus, non, ut bis
iam vidimus, hastam in foro ponere et bona civium
voci subicere praeconis. At ille Graecus, id quod fuit
sapientis et praestantis viri, omnibus consulendum pu-
tavit, eaque est summa ratio et sapientia boni civis,
commoda civium non divellere atque omnis aequitate
eadem continere. Habitent gratis in alieno. Quid
ita? ut, cum ego emerim, aedificarim, tuear, impendam,
tu me invito fruare meo? Quid est aliud aliis sua
84 eripere, aliis dare aliena? Tabulae vero novae quid
habent argumenti, nisi ut emas mea pecunia fundum,
24 eum tu habeas, ego non habeam pecuniam? Quam
ob rem ne sit aes alienum, quod rei publicae noceat,
providendum est, quod multis rationibus caveri potest,
non, si fuerit, ut locupletes suum perdant, debitores
lucrentur alienum; nec enim ulla res vehementius rem
publicam continet quam fides, quae esse nulla potest,
nisi erit necessaria solutio rerum creditarum. Num-
quam vehementius actum est quam me consule, ne
solveretur; armis et castris temptata res est ab omni
genere hominum et ordine; quibus ita restiti, ut hoc
totum malum de re publica tolleretur. Numquam nec
maius aes alienum fuit nec melius nec facilius dissolu-
tum est; fraudandi enim spe sublata solvendi necessi-
tas consecuta est. At vero hic nunc victor, tum quidem
victus, quae cogitarat, ea perfecit, cum eius iam nihil

interesset. Tanta in eo peccandi libido fuit, ut hoc
ipsum eum delectaret, peccare, etiamsi causa non esset.
Ab hoc igitur genere largitionis, ut aliis detur, aliis 85
auferatur, aberunt ii, qui rem publicam tuebuntur, in
primisque operam dabunt, ut iuris et iudiciorum aequi-
tate suum quisque teneat et neque tenuiores propter
humilitatem circumveniantur neque locupletibus ad
sua vel tenenda vel recuperanda obsit invidia, prae-
terea, quibuscumque rebus vel belli vel domi poterunt,
rem publicam augeant imperio, agris, vectigalibus.
Haec magnorum hominum sunt, haec apud maiores
nostros factitata, haec genera officiorum qui persequen-
tur, cum summa utilitate rei publicae magnam ipsi
adipiscentur et gratiam et gloriam.

In his autem utilitatum praeceptis Antipater Tyrius 86
Stoicus, qui Athenis nuper est mortuus, duo praeterita
censet esse a Panaetio, valetudinis curationem et pe-
cuniae; quas res a summo philosopho praeteritas arbi-
tror, quod essent faciles; sunt certe utiles. Sed vale-
tudo sustentatur notitia sui corporis et observatione,
quae res aut prodesse soleant aut obesse, et continentia
in victu omni atque cultu corporis tuendi causa [prae-
termittendis voluptatibus], postremo arte eorum, quo-
rum ad scientiam haec pertinent. Res autem familiaris 87
quaeri debet iis rebus, a quibus abest turpitudo, con-
servari autem diligentia et parsimonia, eisdem etiam
rebus augeri. Has res commodissime Xenophon Socra-
ticus persecutus est in eo libro, qui Oeconomicus in-
scribitur, quem nos, ista fere aetate cum essemus, qua
es tu nunc, e Graeco in Latinum convertimus. Sed
toto hoc de genere, de quaerenda, de collocanda pecu-
nia, (vellem etiam de utenda) commodius a quibusdam

optumis viris ad Ianum medium sedentibus quam ab ullis philosophis ulla in schola disputatur. Sunt tamen ea cognoscenda; pertinent enim ad utilitatem, de qua hoc libro disputatum est.

25
88 Sed utilitatum comparatio, quoniam hic locus erat quartus, a Panaetio praetermissus, saepe est necessaria. Nam et corporis commoda cum externis [et externa cum corporis] et ipsa inter se corporis et externa cum externis comparari solent. Cum externis corporis hoc modo comparantur, valere ut malis quam dives esse, [cum corporis externa hoc modo, dives esse potius quam maxumis corporis viribus,] ipsa inter se corporis sic, ut bona valetudo voluptati anteponatur, vires celeritati, externorum autem, ut gloria divitiis, vectigalia urbana
89 rusticis. Ex quo genere comparationis illud est Catonis senis: a quo cum quaereretur, quid maxume in re familiari expediret, respondit: "Bene pascere;" quid secundum: "Satis bene pascere;" quid tertium: "Male pascere;" quid quartum: "Arare;" et cum ille, qui quaesierat, dixisset: "Quid faenerari?", tum Cato: "Quid hominem," inquit, "occidere?" Ex quo et multis aliis intellegi debet utilitatum comparationes fieri solere, recteque hoc adiunctum esse quartum exquirendorum officiorum genus. Reliqua deinceps persequemur.

BOOK III.

SUMMARY.

I. 1—II. 6. In the introduction Cicero speaks of his enforced retirement from public life, comparing his own lot with that of Scipio Africanus; and again exhorts his son (5) to profit as much as possible by his opportunities of study at Athens.

Panaetius, he says (7), divided the subject of practical morality into three heads, considering under the first the question whether an action was right; under the second, whether an action was expedient; under the third, the conflict between the two. He discussed the first two points in the three published books, but left his work unfinished. Many persons think that the omission was intentional, because, from the nature of the case, a conflict between what is right and what is expedient is impossible.

That Panaetius intended to discuss this point (III. 11) cannot be doubted; but whether he was justified in admitting the existence of such a question is a matter on which opinions may differ. Whether, with the Stoics, we hold that virtue is the only good, or, with the Peripatetics, that nothing else is of any weight in comparison with virtue, in neither case can there be any conflict between right and expediency; and, as Panaetius held the Stoic view (12), it would seem that he could not have admitted the possibility of such a conflict. But a completely virtuous action (13) can be performed only by the *sapiens;* other men attain only the semblance of such conduct; and the duties of which we are treating (14) are the *media officia*, such as are performed by ordinary men. Between perfect duty and ordinary duty men in common life

see no difference (15); the Decii (16), for instance, the Scipios, and Fabricius were virtuous in the popular sense. Now in reality neither of these kinds of *honestum* (17) are to be compared with expediency; but, as a matter of fact, those who measure the value of things by expediency do really (18) make such a comparison; and it seems that Panaetius intended to say that men *are accustomed*, but not that they *ought*, to make it.

Where a doubt arises, it relates in fact to the *nature* of the action, whether it is wrong or not; for an action (19) that is generally held to be wrong may upon certain occasions be right. It is wrong to kill a man, but most noble to kill a tyrant. Hence the need of some general principle.

This general rule is (V. 21) that to take a thing from another man, or to cause another man any prejudice for our own advantage, is more repugnant to nature than death, poverty, pain, or other accidents to person or property; for it destroys human society itself. And this rule is sanctioned (23) by the civil law.

But it is still more plainly the dictate of the natural law; for all the virtues (24, 25, 26) are evidently more in harmony with nature than the corresponding vices. Thus the interest of the individual (VI) and that of the community should be considered as identical; all are bound (27) by the same law of nature; and we are no more excusable for violating the rights of a stranger or a fellow-citizen (28) than those of members of our own family.

Quaeritur (29), whether the wise man (*sapiens*), when in danger of starving, may take away food from a useless member of society; or might he rob Phalaris of clothing to avoid dying of cold? In the first case (30, 31) we answer in the affirmative, on the ground of general expediency; so, also, in the second case (32), because all tyrants ought to be killed as enemies of the human race. Of the same kind are all questions in regard to duty under various conditions.

For these, however (VII. 33), enough has already been said in the preceding books. At present we may adopt either the

Stoic or the Peripatetic doctrine, while we attempt with our own resources the discussion of the point which was omitted by Panaetius.

When we have occasion to consider an action that is *apparently* expedient (VIII. 35), we must remember that, if it is wrong, it is not really expedient. From neglect of this precaution (36) come all sorts of crimes; and not even a doubt (37) should be admitted. Nor should the possibility of escaping detection tempt us to wrong; not even if we had the ring of Gyges (IX. 38).

The question often arises (X. 40) whether an action which seems expedient can be rightfully performed. Brutus was justified in excluding Collatinus from the consular power; but Romulus (41) did wrong to kill his brother Remus. We may use every effort to further our own interests (42), if at the same time we do no wrong to others.

Doubts more often arise in regard to duty when our friendships are involved (43). We should never neglect the duties of friendship for the sake of honor, riches, or pleasure; on the other hand, devotion to a friend must never lead us so far as to violate our duty to the state, to break an oath or a promise.

In public affairs expediency (XI) often leads to wrong-doing, as when we destroyed Corinth; but cruelty, such as that of the Athenians towards the people of Aegina, is never expedient. It is especially praiseworthy if a nation disregards expediency for the sake of right, as our own people did after the battle of Cannae; and the Athenians (48), when they decided to meet Xerxes with their fleet; and again, when they refused to burn the Spartan fleet (49), as Themistocles advised.

In many cases (XII. 50) we have to consider whether what is expedient is completely inconsistent with right, or may be reconciled with it. For instance, during a famine at Rhodes a merchant arrives with a cargo of grain from Alexandria, and knows that others are coming directly after him; *quaeritur*, whether he is bound to disclose that fact, or may sell at the current price. Antipater (51) holds that he is bound to disclose it; Diogenes says that, so long as he acts within the

limits of the law, he has a right to sell for the highest price he can obtain.

If a man sells a house (XIII. 54) which, for reasons known only to himself, is a very undesirable one, *quaeritur*, whether he is bound to disclose these circumstances before fixing the price. Antipater (55) decides in the affirmative; Diogenes dissents. Cicero (57) agrees in both cases with Antipater.

If reticence is blameworthy (XIV. 58), much more so is deception. We may cite the case of Pythius for an example, who sold a villa to Canius after giving him the impression (59) that there was a great fishing-ground before it. But the law of C. Aquilius had not then been passed for the punishment of fraud (60); his definition of fraud was: "Where a man pretends one thing, but does another."

Fraud, then (XV. 61), is not to be suffered; and this has been provided against by the laws, as also by various forms of action. Scaevola, indeed, once gave a higher price for an estate (62) than was asked, which people in general would think unwise; but there again is the misuse of the word wisdom. Hecato (63) says that an honest man may consult his own interests, if he does not violate law or custom. It is true that fraud is very common (64), and thoroughly upright men are rare.

In the sale of landed estates (XVI. 65) the law is, that defects known to the seller must be disclosed to the buyer. Claudius owned a house (66) on the Caelian hill, which hindered the observations of the augurs. When ordered by them to remove the obstruction he sold the house to Calpurnius, concealing the fact. Cato held him liable for damages to Calpurnius on that ground. A similar case was that of the sale of a house by M. Marius Gratidianus to C. Sergius Orata.

The laws prevent fraud only so far as it can be reached by special enactment; but philosophers (XVII) apply the test of reason and knowledge, and these forbid all unfair dealing, pretence, or deceit. The civil law cannot punish everything (69) that is wrong by the law of nature. Unfortunately we have in common life only the shadow of true justice; and would

that we even followed this! It is often difficult (70), and it even requires an able judge, to decide between conflicting claims. One of the greatest dangers (72) is when dishonesty assumes the mask of wisdom.

A few difficult cases may be cited (XVIII. 73) by way of example. A will was forged, purporting to have been made by Basilus, in which Crassus and Hortensius were named as co-heirs; and yet they accepted the pretended legacy. They acted wrongly; for it is not enough not to be the principal in a wrong; one must not be an accessory. An upright man (XIX) will never do anything which would violate the rights of others; he will never be a will-hunter. We ought to avoid the thought even (77) of what we should not dare to speak.

The greater the advantage to be gained (XX. 79), the greater is the temptation to wrong. Marius was serving in the army of Metellus, and, when sent by him with a message to Rome, he intrigued against and supplanted his commander. Gratidianus made a premature announcement (80) to the people of a law on the coinage, and so took the credit to himself over his colleagues. Sometimes the advantage to be gained (81) seems immeasurably greater than the wrong done to gain it, as in the case of Marius just mentioned; but no advantage can compensate (82) the loss of one's reputation for honesty.

This it was that induced Pompey to marry the daughter of Caesar (XXI). Caesar thought anything right if done for the sake of power. This is a fatal error; if a man really thinks thus, it is useless to argue with him. But power unjustly obtained brings so much suffering (84) that it can hardly be desirable. How could life be desirable to a man (85) whose murderer is now considered a public benefactor?

Fabricius and the senate showed their opinion on this subject by sending back the deserter from Pyrrhus (XXII. 86); but the senate did wrong (87) to make those states tributary that had once bought from Sulla their exemption; and Cato, in my opinion, treated the publicans and the *socii* with far too great severity.

Hecato (XXIII. 89), in the sixth book "De Officiis," proposes and answers many questions of casuistry (89–92).

Among others (XXIV. 92) he asks whether bargains and promises made in good faith are always to be kept. It would seem that there are exceptions.

Promises are not to be kept (XXV. 94) when the fulfilment would be inexpedient for the person to whom they are made; as, for instance, the promise made to Phaëthon in the fable, and that made to Theseus in regard to Hippolytus. Again, it would have been better for Agamemnon (95) not to sacrifice Iphigenia. Thus we see that circumstances sometimes change the character of the action.

Of the four heads under which we treated of duty in the first book (96) we have dwelt sufficiently on the first two; it now remains to speak of the third and fourth.

It seemed expedient to Ulysses (XXVI. 97) to avoid going to Troy by feigning madness, but it was not right. And doubtless Regulus saw a certain expediency in remaining at Rome instead of returning to Carthage; but he nobly urged in the senate that the captives should be retained, and himself kept his promise.

"What is the obligation," says some one, "of an oath (XXVIII. 102)? Do we fear the anger of the gods? But they would have done Regulus no greater harm than he did to himself. Did he fear to do wrong? But the torture was itself a greater wrong. Again, the promise was made to an enemy; and sometimes what is in a high degree expedient thereby becomes right."

But (XXIX. 104) whatever a man promises, calling God to witness, is to be maintained, because it is just and right to do so. Secondly, bodily torture is not so great an evil as wrong-doing. Thirdly (106), a promise, made even to a recognized enemy, must be kept according to the tenor of the language.

This is shown by several examples (XXX. 109) from our history. And that Regulus (110) himself advocated in the senate the retaining of the captives is the most admirable part of his conduct. His returning to Carthage (XXXI. 111) was

in consonance with the customs of the time, as is seen from the Twelve Tables, the laws, and the action of the censors. Note, also, the example of T. Manlius (112). Hannibal sent the captives (XXXII. 113) to treat for an exchange after the battle of Cannae; they would have done wrongly not to obey their oath to return; one of them, who attempted to evade the oath, was rightly sent back by the senate.

The fourth point of the discussion still remains (XXXIII. 116), the conflict of expediency with the duty of temperance; and here we have to contend with those philosophers, such as the Cyrenaics and Epicurus, who consider pleasure the highest good. But if pleasure is the great end of life, what place is left (117) for prudence, or fortitude, or temperance? Epicurus (118) succeeds, it is true, to some extent in finding a sphere for these virtues; but not so for justice. But (119) as we have shown that there is no such thing as an expediency which is contrary to right, so we declare that all pleasure is contrary to right; and the attempt to unite them is futile. Pleasure (120) may add a charm to the right, but never can be really expedient.

LIBER TERTIUS.

P. Scipionem, M. fili, eum, qui primus Africanus 1
appellatus est, dicere solitum scripsit Cato, qui fuit 1
eius fere aequalis, numquam se minus otiosum esse,
quam cum otiosus, nec minus solum, quam cum solus
esset. Magnifica vero vox et magno viro ac sapiente
digna; quae declarat illum et in otio de negotiis cogi-
tare et in solitudine secum loqui solitum, ut neque
cessaret umquam et interdum conloquio alterius non
egeret. Ita duae res, quae languorem adferunt ceteris,
illum acuebant, otium et solitudo. Vellem nobis hoc
idem vere dicere liceret; sed si minus imitatione tan-
tam ingenii praestantiam consequi possumus, voluntate
certe proxime accedimus; nam et a re publica forensi-
busque negotiis armis impiis vique prohibiti otium
persequimur et ob eam causam urbe relicta rura pera-
grantes saepe soli sumus. Sed nec hoc otium cum 2
Africani otio nec haec solitudo cum illa comparanda
est. Ille enim requiescens a rei publicae pulcherrimis
muneribus otium sibi sumebat aliquando et e coetu
hominum frequentiaque interdum tamquam in portum
se in solitudinem recipiebat, nostrum autem otium ne-
gotii inopia, non requiescendi studio constitutum est.
Extincto enim senatu deletisque iudiciis quid est quod
dignum nobis aut in curia aut in foro agere possimus?
Ita, qui in maxima celebritate atque in oculis civium 3

quondam vixerimus, nunc fugientes conspectum sceleratorum, quibus omnia redundant, abdimus nos, quantum licet, et saepe soli sumus. Sed quia sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni, propterea et otio fruor, non illo quidem, quo debebat is, qui quondam peperisset otium civitati, nec eam solitudinem languere patior, quam mihi ad-
4 fert necessitas, non voluntas. Quamquam Africanus maiorem laudem meo iudicio assequebatur. Nulla enim eius ingenii monumenta mandata litteris, nullum opus otii, nullum solitudinis munus exstat; ex quo intellegi debet illum mentis agitatione investigationeque earum rerum, quas cogitando consequebatur, nec otiosum nec solum umquam fuisse; nos autem, qui non tantum roboris habemus, ut cogitatione tacita a solitudine abstrahamur, ad hanc scribendi operam omne studium curamque convertimus. Itaque plura brevi tempore eversa quam multis annis stante re publica scripsimus.

2 5 Sed cum tota philosophia, mi Cicero, frugifera et fructuosa nec ulla pars eius inculta ac deserta sit, tum nullus feracior in ea locus est nec uberior quam de officiis, a quibus constanter honesteque vivendi praecepta ducuntur. Quare, quamquam a Cratippo nostro, principe huius memoriae philosophorum, haec te assidue audire atque accipere confido, tamen conducere arbitror talibus aures tuas vocibus undique circumsonare, nec
6 eas, si fieri possit, quicquam aliud audire. Quod cum omnibus est faciendum, qui vitam honestam ingredi cogitant, tum haud scio an nemini potius quam tibi; sustines enim non parvam expectationem imitandae industriae nostrae, magnam honorum, non nullam for-

tasse nominis. Suscepisti onus praeterea grave et
Athenarum et Cratippi; ad quos cum tamquam ad
mercaturam bonarum artium sis profectus, inanem red-
ire turpissimum est dedecorantem et urbis auctorita-
tem et magistri. Quare, quantum coniti animo potes,
quantum labore contendere, si discendi labor est potius
quam voluptas, tantum fac ut efficias neve committas,
ut, cum omnia suppeditata sint a nobis, tute tibi de-
fuisse videare. Sed haec hactenus; multa enim saepe
ad te cohortandi gratia scripsimus; nunc ad reliquam
partem propositae divisionis revertamur.

Panaetius igitur, qui sine controversia de officiis ac- 7
curatissime disputavit, quemque nos correctione qua-
dam adhibita potissimum secuti sumus, tribus generibus
propositis, in quibus deliberare homines et consultare
de officio solerent, uno, cum dubitarent, honestumne
id esset, de quo ageretur, an turpe, altero, utilene esset
an inutile, tertio, si id, quod speciem haberet honesti,
pugnaret cum eo, quod utile videretur, quo modo ea
discerni oporteret, de duobus generibus primis tribus
libris explicavit, de tertio autem genere deinceps se
scripsit dicturum nec exsolvit id, quod promiserat.
Quod eo magis miror, quia scriptum a discipulo eius 8
Posidonio est triginta annis vixisse Panaetium, postea-
quam illos libros edidisset. Quem locum miror a Posi-
donio breviter esse tactum in quibusdam commentariis,
praesertim cum scribat nullum esse locum in tota philo-
sophia tam necessarium. Minime vero assentior iis, 9
qui negant eum locum a Panaetio praetermissum, sed
consulto relictum, nec omnino scribendum fuisse, quia
numquam posset utilitas cum honestate pugnare. De
quo alterum potest habere dubitationem, adhiben-

dumne fuerit hoc genus, quod in divisione Panaeti tertium est, an plane omittendum, alterum dubitari non potest, quin a Panaetio susceptum sit, sed relictum. Nam qui e divisione tripertita duas partes absolverit, huic necesse est restare tertiam; praeterea in extremo libro tertio de hac parte pollicetur se deinceps esse dic-
10 turum. Accedit eodem testis locuples Posidonius, qui etiam scribit in quadam epistula P. Rutilium Rufum dicere solere, qui Panaetium audierat, ut nemo pictor esset inventus, qui in Coa Venere eam partem, quam Apelles inchoatam reliquisset, absolveret (oris enim pulchritudo reliqui corporis imitandi spem auferebat), sic ea, quae Panaetius praetermisisset [et non perfecisset] propter eorum, quae perfecisset, praestantiam neminem persecutum.

3
11 Quam ob rem de iudicio Panaeti dubitari non potest; rectene autem hanc tertiam partem ad exquirendum officium adiunxerit an secus, de eo fortasse disputari potest. Nam, sive honestum solum bonum est, ut Stoicis placet, sive, quod honestum est, id ita summum bonum est, quem ad modum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant, dubitandum non est, quin numquam possit utilitas cum honestate contendere. Itaque accepimus Socratem exsecrari solitum eos, qui primum haec natura cohaerentia opinione distraxissent. Cui quidem ita sunt Stoici adsensi, ut et, quicquid honestum esset, id utile esse censerent nec utile quicquam,
12 quod non honestum. Quodsi is esset Panaetius, qui virtutem propterea colendam diceret, quod ea efficiens utilitatis esset, ut ii, qui res expetendas vel voluptate vel indolentia metiuntur, liceret ei dicere utilitatem

aliquando cum honestate pugnare; sed cum sit is, qui id solum bonum iudicet, quod honestum sit, quae autem huic repugnent specie quadam utilitatis, eorum neque accessione meliorem vitam fieri nec decessione peiorem, non videtur debuisse eius modi deliberationem introducere, in qua, quod utile videretur, cum eo, quod honestum est, compararetur. Etenim quod summum 13 bonum a Stoicis dicitur, convenienter naturae vivere, id habet hanc, ut opinor, sententiam: cum virtute congruere semper, cetera autem, quae secundum naturam essent, ita legere, si ea virtuti non repugnarent. Quod cum ita sit, putant quidam hanc comparationem non recte introductam, nec omnino de eo genere quicquam praecipiendum fuisse. Atque illud quidem honestum, quod proprie vereque dicitur, id in sapientibus est solis neque a virtute divelli umquam potest; in iis autem, in quibus sapientia perfecta non est, ipsum illud quidem perfectum honestum nullo modo, similitudines honesti esse possunt. Haec enim officia, de quibus his 14 libris disputamus, media Stoici appellant; ea communia sunt et late patent; quae et ingenii bonitate multi assequuntur et progressione discendi. Illud autem officium, quod rectum idem appellant, perfectum atque absolutum est et, ut idem dicunt, omnes numeros habet nec praeter sapientem cadere in quemquam potest. Cum 15 autem aliquid actum est, in quo media officia compareant, id cumulate videtur esse perfectum, propterea quod volgus, quid absit a perfecto, non fere intellegit; quatenus autem intellegit, nihil putat praetermissum; quod idem in poëmatis, in picturis usu venit in aliisque compluribus, ut delectentur imperiti laudentque ea, quae laudanda non sint, ob eam, credo, causam, quod

insit in iis aliquid probi, quod capiat ignaros, qui qui-
dem, quid in una quaque re vitii sit, nequeant iudi-
care; itaque, cum sunt docti a peritis, desistunt facile
4 sententia. Haec igitur officia, de quibus his libris dis-
serimus, quasi secunda quaedam honesta esse dicunt,
non sapientium modo propria, sed cum omni hominum
16 genere communia. Itaque iis omnes, in quibus est vir-
tutis indoles, commoventur. Nec vero, cum duo Decii
aut duo Scipiones fortes viri commemorantur, aut cum
Fabricius [aut Aristides] iustus nominatur, aut ab illis
fortitudinis aut ab hoc iustitiae tamquam a sapiente
petitur exemplum; nemo enim horum sic sapiens, ut
sapientem volumus intellegi, nec ii, qui sapientes habiti
et nominati, M. Cato et C. Laelius, sapientes fuerunt,
ne illi quidem septem, sed ex mediorum officiorum fre-
quentia similitudinem quandam gerebant speciemque
17 sapientium. Quocirca nec id, quod vere honestum est,
fas est cum utilitatis repugnantia comparari, nec id,
quod communiter appellamus honestum, quod colitur
ab iis, qui bonos se viros haberi volunt, cum emolumen-
tis umquam est comparandum, tamque id honestum,
quod in nostram intellegentiam cadit, tuendum conser-
vandumque nobis est quam illud, quod proprie dicitur
vereque est honestum, sapientibus; aliter enim teneri
non potest, si qua ad virtutem est facta progressio.
Sed haec quidem de iis, qui conservatione officiorum
18 existimantur boni. Qui autem omnia metiuntur emo-
lumentis et commodis neque ea volunt praeponderari
honestate, ii solent in deliberando honestum cum eo,
quod utile putant, comparare, boni viri non solent.
Itaque existimo Panaetium, cum dixerit homines solere
in hac comparatione dubitare, hoc ipsum sensisse, quod

dixerit, "solere" modo, non etiam "oportere." Etenim non modo pluris putare, quod utile videatur, quam quod honestum sit, sed etiam haec inter se comparare et in his addubitare turpissimum est.

Quid ergo est, quod non numquam dubitationem adferre soleat considerandumque videatur? Credo, si quando dubitatio accidit, quale sit id, de quo consideretur. Saepe enim tempore fit, ut, quod turpe plerum- 19
que haberi soleat, inveniatur non esse turpe; exempli causa ponatur aliquid, quod pateat latius: Quod potest maius esse scelus quam non modo hominem, sed etiam familiarem hominem occidere? Num igitur se astrinxit scelere, si qui tyrannum occidit quamvis familiarem? Populo quidem Romano non videtur, qui ex omnibus praeclaris factis illud pulcherrimum existimat. Vicit ergo utilitas honestatem? Immo vero honestas utilitatem; *honestatem utilitas* secuta est.

Itaque, ut sine ullo errore diiudicare possimus, si quando cum illo, quod honestum intellegimus, pugnare id videbitur, quod appellamus utile, formula quaedam constituenda est; quam si sequemur in comparatione rerum, ab officio numquam recedemus. Erit autem 20
haec formula Stoicorum rationi disciplinaeque maxime consentanea; quam quidem his libris propterea sequimur, quod, quamquam et a veteribus Academicis et a Peripateticis vestris, qui quondam idem erant, qui Academici, quae honesta sunt, anteponuntur iis, quae videntur utilia, tamen splendidius haec ab eis disseruntur, quibus, quicquid honestum est, idem utile videtur nec utile quicquam, quod non honestum, quam ab iis, quibus aut honestum aliquid non utile aut utile non honestum. Nobis autem nostra Academia magnam

licentiam dat, ut, quodcumque maxime probabile occurrat, id nostro iure liceat defendere. Sed redeo ad formulam.

5
21 Detrahere igitur alteri aliquid et hominem hominis
incommodo suum commodum augere magis est contra
naturam quam mors, quam paupertas, quam dolor,
quam cetera, quae possunt aut corpori accidere aut re-
bus externis. Nam principio tollit convictum huma-
num et societatem. Si enim sic erimus adfecti, ut
propter suum quisque emolumentum spoliet aut violet
alterum, disrumpi necesse est eam, quae maxime est
22 secundum naturam, humani generis societatem. Ut, si
unum quodque membrum sensum hunc haberet, ut
posse putaret se valere, si proximi membri valetudinem
ad se traduxisset, debilitari et interire totum corpus
necesse esset, sic, si unus quisque nostrum ad se rapiat
commoda aliorum detrahatque, quod cuique possit,
emolumenti sui gratia, societas hominum et communi-
tas evertatur necesse est. Nam sibi ut quisque malit,
quod ad usum vitae pertineat, quam alteri adquirere,
concessum est non repugnante natura, illud natura non
patitur, ut aliorum spoliis nostras facultates, copias,
23 opes augeamus. Neque vero hoc solum natura, id est
iure gentium, sed etiam legibus populorum, quibus in
singulis civitatibus res publica continetur, eodem modo
constitutum est, ut non liceat sui commodi causa nocere
alteri; hoc enim spectant leges, hoc volunt, incolumem
esse civium coniunctionem; quam qui dirimunt, eos
morte, exsilio, vinclis, damno coërcent.

Atque hoc multo magis efficit ipsa naturae ratio, quae est lex divina et humana; cui parere qui velit (omnes autem parebunt, qui secundum naturam volent vivere),

numquam committet, ut alienum appetat et id, quod
alteri detraxerit, sibi adsumat. Etenim multo magis 24
est secundum naturam excelsitas animi et magnitudo
itemque comitas, iustitia, liberalitas quam voluptas,
quam vita, quam divitiae; quae quidem contemnere et
pro nihilo ducere comparantem cum utilitate communi
magni animi et excelsi est. [Detrahere autem de altero
sui commodi causa magis est contra naturam quam
mors, quam dolor, quam cetera generis eiusdem.] Item- 25
que magis est secundum naturam pro omnibus gentibus,
si fieri possit, conservandis aut iuvandis maximos labo-
res molestiasque suscipere imitantem Herculem illum,
quem hominum fama beneficiorum memor in concilio
caelestium collocavit, quam vivere in solitudine non
modo sine ullis molestiis, sed etiam in maximis volup-
tatibus abundantem omnibus copiis, ut excellas etiam
pulchritudine et viribus. Quocirca optimo quisque et
splendidissimo ingenio longe illam vitam huic ante-
ponit. Ex quo efficitur hominem naturae oboedientem
homini nocere non posse. Deinde, qui alterum violat, 26
ut ipse aliquid commodi consequatur, aut nihil existi-
mat se facere contra naturam aut magis fugienda cen-
set mortem, paupertatem, dolorem, amissionem etiam
liberorum, propinquorum, amicorum quam facere cui-
quam iniuriam. Si nihil existimat contra naturam
fieri hominibus violandis, quid cum eo disseras, qui
omnino hominem ex homine tollat? sin fugiendum
id quidem censet, sed multo illa peiora, mortem, pau-
pertatem, dolorem, errat in eo, quod ullum aut cor-
poris aut fortunae vitium vitiis animi gravius existu-
mat. Ergo unum debet esse omnibus propositum, ut 6
eadem sit utilitas unius cuiusque et universorum;

quam si ad se quisque rapiet, dissolvetur omnis humana consortio.

27 Atque etiam, si hoc natura praescribit, ut homo homini, quicumque sit, ob eam ipsam causam, quod is homo sit, consultum velit, necesse est secundum eandem naturam omnium utilitatem esse communem. Quod si ita est, una continemur omnes et eadem lege naturae, idque ipsum si ita est, certe violare alterum naturae lege prohibemur. Verum autem primum;
28 verum igitur extremum. Nam illud quidem absurdum est, quod quidam dicunt, parenti se aut fratri nihil detracturos sui commodi causa, aliam rationem esse civium reliquorum. Hi sibi nihil iuris, nullam societatem communis utilitatis causa statuunt esse cum civibus, quae sententia omnem societatem distrahit civitatis. Qui autem civium rationem dicunt habendam, externorum negant, ii dirimunt communem humani generis societatem; qua sublata beneficentia, liberalitas, bonitas, iustitia funditus tollitur; quae qui tollunt, etiam adversus deos inmortales impii iudicandi sunt. Ab iis enim constitutam inter homines societatem evertunt, cuius societatis artissimum vinculum est magis arbitrari esse contra naturam hominem homini detrahere sui commodi causa quam omnia incommoda subire vel externa vel corporis .... vel etiam ipsius animi, quae vacent iustitia; haec enim una virtus omnium est domina et regina virtutum.

29 Forsitan quispiam dixerit: Nonne igitur sapiens, si fame ipse conficiatur, abstulerit cibum alteri homini ad nullam rem utili? [Minime vero; non enim mihi est vita mea utilior quam animi talis adfectio, neminem ut violem commodi mei gratia.] Quid? si Phalarim,

crudelem tyrannum et inmanem, vir bonus, ne ipse frigore conficiatur, vestitu spoliare possit, nonne faciat? Haec ad iudicandum sunt facillima. Nam, si quid ab 30
homine ad nullam partem utili utilitatis tuae causa detraxeris, inhumane feceris contraque naturae legem; sin autem is tu sis, qui multam utilitatem rei publicae atque hominum societati, si in vita remaneas, adferre possis, si quid ob eam causam alteri detraxeris, non sit reprehendendum. Sin autem id non sit eius modi, suum cuique incommodum ferendum est potius quam de alterius commodis detrahendum. Non igitur magis est contra naturam morbus aut egestas aut quid eius modi quam detractio atque appetitio alieni, sed communis utilitatis derelictio contra naturam est; est enim iniusta. Itaque lex ipsa naturae, quae utilitatem homi- 31
num conservat et continet, decernet profecto, ut ab homine inerti atque inutili ad sapientem, bonum, fortem virum transferantur res ad vivendum necessariae, qui si occiderit, multum de communi utilitate detraxerit, modo hoc ita faciat, ut ne ipse de se bene existimans seseque diligens hanc causam habeat ad iniuriam. Ita semper officio fungetur utilitati consulens hominum et ei, quam saepe commemoro, humanae societati. Nam quod ad Phalarim attinet, perfacile iudicium est. 32
Nulla est enim societas nobis cum tyrannis, et potius summa distractio est, neque est contra naturam spoliare eum, si possis, quem est honestum necare, atque hoc omne genus pestiferum atque impium ex hominum communitate exterminandum est. Etenim, ut membra quaedam amputantur, si et ipsa sanguine et tamquam spiritu carere coeperunt et nocent reliquis partibus corporis, sic ista in figura hominis feritas et inmanitas

beluae a communi tamquam humanitatis corpore segre-
ganda est. Huius generis quaestiones sunt omnes eae,
in quibus ex tempore officium exquiritur.

7 33 Eius modi igitur credo res Panaetium persecuturum
fuisse, nisi aliqui casus aut occupatio eius consilium
peremisset. Ad quas ipsas consultationes superioribus
libris satis multa praecepta sunt, ex quibus perspici
possit, quid sit propter turpitudinem fugiendum, quid
sit, quod idcirco fugiendum non sit, quod omnino
turpe non sit. Sed quoniam operi inchoato, prope
tamen absoluto tamquam fastigium inponimus, ut geo-
metrae solent non omnia docere, sed postulare, ut quae-
dam sibi concedantur, quo facilius, quae volunt, expli-
cent, sic ego a te postulo, mi Cicero, ut mihi concedas,
si potes, nihil praeter id, quod honestum sit, propter se
esse expetendum. Sin hoc non licet per Cratippum,
at illud certe dabis, quod honestum sit, id esse maxume
propter se expetendum. Mihi utrumvis satis est et
tum hoc, tum illud probabilius videtur nec praeterea
34 quicquam probabile. Ac primum in hoc Panaetius
defendendus est, quod non utilia cum honestis pugnare
aliquando posse dixerit (neque enim ei fas erat), sed ea,
quae viderentur utilia. Nihil vero utile, quod non
idem honestum, nihil honestum, quod non idem utile
sit, saepe testatur negatque ullam pestem maiorem in
vitam hominum invasisse quam eorum opinionem, qui
ista distraxerint. Itaque, non ut aliquando antepone-
remus utilia honestis, sed ut ea sine errore diiudicare-
mus, si quando incidissent, induxit eam, quae videre-
tur esse, non quae esset, repugnantiam. Hanc igitur
partem relictam explebimus nullis adminiculis, sed, ut
dicitur, Marte nostro. Neque enim quicquam est de

hac parte post Panaetium explicatum, quod quidem mihi probaretur, de iis, quae in manus meas venerunt.

Cum igitur aliqua species utilitatis obiecta est, com- 8 35
moveri necesse est; sed si, cum animum attenderis, turpitudinem videas adiunctam ei rei, quae speciem utilitatis attulerit, tum non utilitas relinquenda est, sed intellegendum, ubi turpitudo sit, ibi utilitatem esse non posse. Quodsi nihil est tam contra naturam quam turpitudo (recta enim et convenientia et constantia natura desiderat aspernaturque contraria) nihilque tam secundum naturam quam utilitas, certe in eadem re utilitas et turpitudo esse non potest. Itemque, si ad honestatem nati sumus eaque aut sola expetenda est, ut Zenoni visum est, aut certe omni pondere gravior habenda quam reliqua omnia, quod Aristoteli placet, necesse est, quod honestum sit, id esse aut solum aut summum bonum; quod autem bonum, id certe utile; ita, quicquid honestum, id utile. Quare error homi- 36
num non proborum, cum aliquid, quod utile visum est, arripuit, id continuo secernit ab honesto. Hinc sicae, hinc venena, hinc falsa testamenta nascuntur, hinc furta, peculatus, expilationes direptionesque sociorum et civium, hinc opum nimiarum, potentiae non ferendae, postremo etiam in liberis civitatibus regnandi existunt cupiditates, quibus nihil nec taetrius nec foedius excogitari potest. Emolumenta enim rerum fallacibus iudiciis vident, poenam non dico legum, quam saepe perrumpunt, sed ipsius turpitudinis, quae acerbissima est, non vident. Quam ob rem hoc qui- 37
dem deliberantium genus pellatur e medio (est enim totum sceleratum et impium), qui deliberant, utrum

id sequantur, quod honestum esse videant, an se scientes scelere contaminent; in ipsa enim dubitatione facinus inest, etiamsi ad id non pervenerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis ipsa deliberatio.

Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est. Satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil iniuste, nihil libidinose,
9 nihil incontinenter esse faciendum. Hinc ille Gyges
38 inducitur a Platone, qui, cum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum aëneumque equum, ut ferunt fabulae, animadvertit, cuius in lateribus fores essent; quibus apertis corpus hominis mortui vidit magnitudine invisitata anulumque aureum in digito; quem ut detraxit, ipse induit (erat autem regius pastor), tum in concilium se pastorum recepit. Ibi cum palam eius anuli ad palmam converterat, a nullo videbatur, ipse autem omnia videbat; idem rursus videbatur, cum in locum anulum inverterat. Itaque hac oportunitate anuli usus reginae stuprum intulit eaque adiutrice regem dominum interemit, sustulit, quos obstare arbitrabatur, nec in his eum facinoribus quisquam potuit videre. Sic repente anuli beneficio rex exortus est Lydiae. Hunc igitur ipsum anulum si habeat sapiens, nihilo plus sibi licere putet peccare, quam si non haberet; honesta enim bonis viris, non
39 occulta quaeruntur. Atque hoc loco philosophi quidam, minime mali illi quidem, sed non satis acuti, fictam et commenticiam fabulam prolatam dicunt a Platone; quasi vero ille aut factum id esse aut fieri po-

tuisse defendat! Haec est vis huius anuli et huius exempli: si nemo sciturus, nemo ne suspicaturus quidem sit, cum aliquid divitiarum, potentiae, dominationis, libidinis causa feceris, si id dis hominibusque futurum sit semper ignotum, sisne facturus. Negant id fieri posse. Nequaquam potest id quidem; sed quaero, quod negant posse, id si posset, quidnam facerent. Urguent rustice sane; negant enim posse et in eo perstant; hoc verbum quid valeat, non vident. Cum enim quaerimus, si celare possint, quid facturi sint, non quaerimus, possintne celare, sed tamquam tormenta quaedam adhibemus, ut, si responderint se inpunitate proposita facturos, quod expediat, facinorosos se esse fateantur, si negent, omnia turpia per se ipsa fugienda esse concedant. Sed iam ad propositum revertamur.

Incidunt multae saepe causae, quae conturbent ani- 10 40
mos utilitatis specie, non cum hoc deliberetur, relinquendane sit honestas propter utilitatis magnitudinem (nam id quidem improbum est), sed illud, possitne id, quod utile videatur, fieri non turpiter. Cum Collatino collegae Brutus imperium abrogabat, poterat videri facere id iniuste; fuerat enim in regibus expellendis socius Bruti consiliorum et adiutor. Cum autem consilium hoc principes cepissent, cognationem Superbi nomenque Tarquiniorum et memoriam regni esse tollendam, quod erat utile, patriae consulere, id erat ita honestum, ut etiam ipsi Collatino placere deberet. Itaque utilitas valuit propter honestatem, sine qua ne utilitas quidem esse potuisset. At in eo rege, qui urbem condidit, non item; species enim utilitatis animum 41
pepulit eius; cui cum visum esset utilius solum quam

cum altero regnare, fratrem interemit. Omisit hic et
pietatem et humanitatem, ut id, quod utile videbatur
neque erat, assequi posset, et tamen muri causam op-
posuit, speciem honestatis nec probabilem nec sane
idoneam. Peccavit igitur, pace vel Quirini vel Romuli
42 dixerim. Nec tamen nostrae nobis utilitates omitten-
dae sunt aliisque tradendae, cum iis ipsi egeamus, sed
suae cuique utilitati, quod sine alterius iniuria fiat, ser-
viendum est. Scite Chrysippus, ut multa: "Qui sta-
dium," inquit, "currit, eniti et contendere debet, quam
maxume possit, ut vincat, supplantare eum, quocum
certet, aut manu depellere nullo modo debet; sic in
vita sibi quemque petere, quod pertineat ad usum, non
iniquum est, alteri deripere ius non est."

43 ¶Maxume autem perturbantur officia in amicitiis, qui-
bus et non tribuere, quod recte possis, et tribuere,
quod non sit aequum, contra officium est. Sed huius
generis totius breve et non difficile praeceptum est.
Quae enim videntur utilia, honores, divitiae, voluptates,
cetera generis eiusdem, haec amicitiae numquam ante-
ponenda sunt. At neque contra rem publicam neque
contra ius iurandum ac fidem amici causa vir bonus
faciet, ne si iudex quidem erit de ipso amico; ponit
enim personam amici, cum induit iudicis. Tantum
dabit amicitiae, ut veram amici causam esse malit, ut
orandae litis tempus, quoad per leges liceat, accommo-
44 det. Cum vero iurato sententia dicenda erit, memine-
rit deum se adhibere testem, id est, ut ego arbitror,
mentem suam, qua nihil homini dedit deus ipse divi-
nius. Itaque praeclarum a maioribus accepimus morem
rogandi iudicis, si eum teneremus, QUAE SALVA FIDE
FACERE POSSIT. Haec rogatio ad ea pertinet, quae paulo

ante dixi honeste amico a iudice posse concedi; nam si
omnia facienda sint, quae amici velint, non amicitiae
tales, sed coniurationes putandae sint. Loquor autem 45
de communibus amicitiis; nam in sapientibus viris per-
fectisque nihil potest esse tale. Damonem et Phintiam
Pythagoreos ferunt hoc animo inter se fuisse, ut, cum
eorum alteri Dionysius tyrannus diem necis destina-
visset et is, qui morti addictus esset, paucos sibi dies
commendandorum suorum causa postulavisset, vas fac-
tus sit alter eius sistendi, ut, si ille non revertisset,
moriendum esset ipsi. Qui cum ad diem se recepisset,
admiratus eorum fidem tyrannus petivit, ut se ad ami-
citiam tertium ascriberent. Cum igitur id, quod utile 46
videtur in amicitia, cum eo, quod honestum est, com-
paratur, iaceat utilitatis species, valeat honestas; cum
autem in amicitia, quae honesta non sunt, postulabun-
tur, religio et fides anteponatur amicitiae. Sic habe-
bitur is, quem exquirimus, dilectus officii.

Sed utilitatis specie in re publica saepissime pecca- **11**
tur, ut in Corinthi disturbatione nostri; durius etiam
Athenienses, qui sciverunt, ut Aeginetis, qui classe
valebant, pollices praeciderentur. Hoc visum est utile;
nimis enim imminebat propter propinquitatem Aegina
Piraeo. Sed nihil, quod crudele, utile; est enim ho-
minum naturae, quam sequi debemus, maxime inimica
crudelitas. Male etiam, qui peregrinos urbibus uti 47
prohibent eosque exterminant, ut Pennus apud patres
nostros, Papius nuper. Nam esse pro cive, qui civis
non sit, rectum est non licere; quam legem tulerunt
sapientissimi consules Crassus et Scaevola; usu vero
urbis prohibere peregrinos sane inhumanum est. Illa
praeclara, in quibus publicae utilitatis species prae ho-

nestate contemnitur. Plena exemplorum est nostra res publica cum saepe, tum maxime bello Punico secundo; quae Cannensi calamitate accepta maiores animos habuit quam umquam rebus secundis; nulla timoris significatio, nulla mentio pacis. Tanta vis est honesti,
48 ut speciem utilitatis obscuret. Athenienses cum Persarum impetum nullo modo possent sustinere statuerentque, ut urbe relicta coniugibus et liberis Troezene depositis naves conscenderent libertatemque Graeciae classe defenderent, Cyrsilum quendam suadentem, ut in urbe manerent Xersemque reciperent, lapidibus obruerunt. Atqui ille utilitatem sequi videbatur; sed
49 ea nulla erat repugnante honestate. Themistocles post victoriam eius belli, quod cum Persis fuit, dixit in contione se habere consilium rei publicae salutare, sed id sciri non opus esse; postulavit, ut aliquem populus daret, quicum communicaret; datus est Aristides; huic ille, classem Lacedaemoniorum, quae subducta esset ad Gytheum, clam incendi posse, quo facto frangi Lacedaemoniorum opes necesse esset. Quod Aristides cum audisset, in contionem magna exspectatione venit dixitque perutile esse consilium, quod Themistocles adferret, sed minime honestum. Itaque Athenienses, quod honestum non esset, id ne utile quidem putaverunt totamque eam rem, quam ne audierant quidem, auctore Aristide repudiaverunt. Melius hi quam nos, qui piratas inmunes, socios vectigales habemus.

12 Maneat ergo, quod turpe sit, id numquam esse utile, ne tum quidem, cum id, quod esse utile putes, adipiscare; hoc enim ipsum, utile putare, quod turpe sit,
50 calamitosum est. Sed incidunt, ut supra dixi, saepe causae, cum repugnare utilitas honestati videatur, ut

animadvertendum sit, repugnetne plane an possit cum
honestate coniungi. Eius generis hae sunt quaestiones:
si exempli gratia vir bonus Alexandrea Rhodum mag-
num frumenti numerum advexerit in Rhodiorum in-
opia et fame summaque annonae caritate, si idem sciat
complures mercatores Alexandrea solvisse navesque in
cursu frumento onustas petentes Rhodum viderit, dic-
turusne sit id Rhodiis an silentio suum quam plurimo
venditurus. Sapientem et bonum virum fingimus; de
eius deliberatione et consultatione quaerimus, qui cela-
turus Rhodios non sit, si id turpe iudicet, sed dubitet,
an turpe non sit. In huius modi causis aliud Diogeni 51
Babylonio videri solet, magno et gravi Stoico, aliud
Antipatro, discipulo eius, homini acutissimo. Anti-
patro omnia patefacienda, ut ne quid omnino, quod
venditor norit, emptor ignoret, Diogeni venditorem,
quatenus iure civili constitutum sit, dicere vitia opor-
tere, cetera sine insidiis agere et, quoniam vendat, velle
quam optume vendere. "Advexi, exposui, vendo meum
non pluris quam ceteri, fortasse etiam minoris, cum
maior est copia. Cui fit iniuria?" Exoritur Anti- 52
patri ratio ex altera parte: "Quid ais? tu cum homi-
nibus consulere debeas et servire humanae societati
eaque lege natus sis et ea habeas principia naturae,
quibus parere et quae sequi debeas, ut utilitas tua com-
munis sit utilitas vicissimque communis utilitas tua sit,
celabis homines, quid iis adsit commoditatis et copiae?"
Respondebit Diogenes fortasse sic: "Aliud est celare,
aliud tacere; neque ego nunc te celo, si tibi non dico,
quae natura deorum sit, qui sit finis bonorum, quae
tibi plus prodessent cognita quam tritici vilitas; sed
non, quicquid tibi audire utile est, idem mihi dicere

53 necesse est." "Immo vero," inquiet ille, "necesse est,
siquidem meministi esse inter homines natura coniunc-
tam societatem." "Memini," inquiet ille; "sed num
ista societas talis est, ut nihil suum cuiusque sit? Quod
si ita est, ne vendundum quidem quicquam est, sed do-
nandum."

13 Vides in hac tota disceptatione non illud dici:
"Quamvis hoc turpe sit, tamen, quoniam expedit, fa-
ciam," sed ita expedire, ut turpe non sit, ex altera au-
tem parte, ea re, quia turpe sit, non esse faciendum.
54 Vendat aedes vir bonus propter aliqua vitia, quae ipse
norit, ceteri ignorent, pestilentes sint et habeantur sa-
lubres, ignoretur in omnibus cubiculis apparere ser-
pentes, male materiatae *sint*, ruinosae, sed hoc praeter
dominum nemo sciat; quaero, si haec emptoribus ven-
ditor non dixerit aedesque vendiderit pluris multo,
quam se venditurum putarit, num id iniuste aut in-
55 probe fecerit. "Ille vero," inquit Antipater; "quid
est enim aliud erranti viam non monstrare, quod Athe-
nis exsecrationibus publicis sanctum est, si hoc non est,
emptorem pati ruere et per errorem in maximam frau-
dem incurrere? Plus etiam est quam viam non mon-
strare; nam est scientem in errorem alterum inducere."
(55) Diogenes contra: "Num te emere coëgit, qui ne hortatus
quidem est? Ille, quod non placebat, proscripsit, tu,
quod placebat, emisti. Quodsi, qui proscribunt villam
bonam beneque aedificatam, non existimantur fefellisse,
etiamsi illa nec bona est nec aedificata ratione, multo
minus, qui domum non laudarunt. Ubi enim iudicium
emptoris est, ibi fraus venditoris quae potest esse? Sin
autem dictum non omne praestandum est, quod dic-
tum non est, id praestandum putas? Quid vero est

stultius quam venditorem eius rei, quam vendat, vitia
narrare? quid autem tam absurdum, quam si domini
iussu ita praeco praedicet: 'Domum pestilentem ven-
do?'" Sic ergo in quibusdam causis dubiis ex altera 56
parte defenditur honestas, ex altera ita de utilitate dici-
tur, ut id, quod utile videatur, non modo facere hones-
tum sit, sed etiam non facere turpe. Haec est illa,
quae videtur utilium fieri cum honestis saepe dissensio.
Quae diiudicanda sunt; non enim, ut quaereremus, ex-
posuimus, sed ut explicaremus. Non igitur videtur 57
nec frumentarius ille Rhodios nec hic aedium venditor
celare emptores debuisse. Neque enim id est celare,
quicquid reticeas, sed cum, quod tu scias, id ignorare
emolumenti tui causa velis eos, quorum intersit id scire.
Hoc autem celandi genus quale sit et cuius hominis,
quis non videt? Certe non aperti, non simplicis, non
ingenui, non iusti, non viri boni, versuti potius, ob-
scuri, astuti, fallacis, malitiosi, callidi, veteratoris, vafri.
Haec tot et alia plura nonne inutile est vitiorum subire
nomina?

Quodsi vituperandi, qui reticuerunt, quid de iis exi- **14** 58
stimandum est, qui orationis vanitatem adhibuerunt?
C. Canius, eques Romanus, nec infacetus et satis litte-
ratus, cum se Syracusas otiandi, ut ipse dicere solebat,
non negotiandi causa contulisset, dictitabat se hortulos
aliquos emere velle, quo invitare amicos et ubi se ob-
lectare sine interpellatoribus posset. Quod cum per-
crebruisset, Pythius ei quidam, qui argentariam faceret
Syracusis, venales quidem se hortos non habere, sed
licere uti Canio, si vellet, ut suis, et simul ad cenam
hominem in hortos invitavit in posterum diem. Cum
ille promisisset, tum Pythius, qui esset ut argentarius

apud omnes ordines gratiosus, piscatores ad se convocavit et ab iis petivit, ut ante suos hortulos postridie piscarentur, dixitque, quid eos facere vellet. Ad cenam tempori venit Canius; opipare a Pythio adparatum convivium, cumbarum ante oculos multitudo; pro se quisque, quod ceperat, adferebat, ante pedes Pythi pis-
59 ces abiciebantur. Tum Canius: "Quaeso," inquit, "quid est hoc, Pythi? tantumne piscium? tantumne cumbarum?" Et ille: "Quid mirum?" inquit, "hoc loco est, Syracusis quicquid est piscium, hic aquatio, hac villa isti carere non possunt." Incensus Canius cupiditate contendit a Pythio, ut venderet; gravate ille primo; quid multa? impetrat. Emit homo cupidus et locuples tanti, quanti Pythius voluit, et emit instructos; nomina facit, negotium conficit. Invitat Canius postridie familiares suos, venit ipse mature; scalmum nullum videt, quaerit ex proximo vicino, num feriae quaedam piscatorum essent, quod eos nullos videret. "Nullae, quod sciam," inquit; "sed hic piscari nulli
60 solent; itaque heri mirabar, quid accidisset." Stomachari Canius; sed quid faceret? nondum enim C. Aquilius, collega et familiaris meus, protulerat de dolo malo formulas; in quibus ipsis, cum ex eo quaereretur, quid esset dolus malus, respondebat: cum esset aliud simulatum, aliud actum. Hoc quidem sane luculente ut ab homine perito definiendi. Ergo et Pythius et omnes aliud agentes, aliud simulantes perfidi, improbi, malitiosi. Nullum igitur eorum factum potest utile esse, cum sit tot vitiis inquinatum.

15
61 Quodsi Aquiliana definitio vera est, ex omni vita simulatio dissimulatioque tollenda est. Ita, nec ut emat melius nec ut vendat, quicquam simulabit aut dissimu-

labit vir bonus. Atque iste dolus malus et legibus erat
vindicatus, ut *in* tutela duodecim tabulis, circumscriptio
adulescentium lege Plaetoria, et sine lege iudiciis, in
quibus additur EX FIDE BONA. Reliquorum autem iu-
diciorum haec verba maxime excellunt: in arbitrio rei
uxoriae MELIUS AEQUIUS, in fiducia UT INTER BONOS BENE
AGIER. Quid ergo? aut in eo, QUOD MELIUS AEQUIUS,
potest ulla pars inesse fraudis? aut, cum dicitur INTER
BONOS BENE AGIER, quicquam agi dolose aut malitiose
potest? Dolus autem malus in simulatione, ut ait Aqui-
lius, continetur. Tollendum est igitur ex rebus con-
trahendis omne mendacium; non inlicitatorem vendi-
tor, non, qui contra se liceatur, emptor apponet; uter-
que, si ad eloquendum venerit, non plus quam semel
eloquetur. Q. quidem Scaevola P. f., cum postulasset, 62
ut sibi fundus, cuius emptor erat, semel indicaretur id-
que venditor ita fecisset, dixit se pluris aestumare; ad-
didit centum milia. Nemo est, qui hoc viri boni fuisse
neget, sapientis negant, ut si minoris, quam potuisset,
vendidisset. Haec igitur est illa pernicies, quod alios
bonos, alios sapientes existimant. Ex quo Ennius "ne-
quiquam sapere sapientem, qui ipse sibi prodesse non
quiret." Vere id quidem, si, quid esset "prodesse,"
mihi cum Ennio conveniret. Hecatonem quidem Rho- 63
dium, discipulum Panaeti, video in iis libris, quos de
officio scripsit Q. Tuberoni, dicere "sapientis esse nihil
contra mores, leges, instituta facientem habere rationem
rei familiaris. Neque enim solum nobis divites esse
volumus, sed liberis, propinquis, amicis maxumeque
rei publicae. Singulorum enim facultates et copiae
divitiae sunt civitatis." Huic Scaevolae factum, de
quo paulo ante dixi, placere nullo modo potest; etenim

omnino tantum se negat facturum compendii sui causa,
quod non liceat. Huic nec laus magna tribuenda nec
64 gratia est. Sed, sive et simulatio et dissimulatio dolus
malus est, perpaucae res sunt, in quibus non dolus ma-
lus iste versetur, sive vir bonus est is, qui prodest, qui-
bus potest, nocet nemini, certe istum virum bonum
non facile reperimus. Numquam igitur est utile pec-
care, quia semper est turpe, et, quia semper est ho-
nestum virum bonum esse, semper est utile.

16
65 Ac de iure quidem praediorum sanctum apud nos
est iure civili, ut in iis vendendis vitia dicerentur, quae
nota essent venditori. Nam, cum ex duodecim tabulis
satis esset ea praestari, quae essent lingua nuncupata,
quae qui infitiatus esset, dupli poenam subiret, a iuris
consultis etiam reticentiae poena est constituta; quic-
quid enim esset in praedio vitii, id statuerunt, si ven-
ditor sciret, nisi nominatim dictum esset, praestari opor-
66 tere. Ut, cum in arce augurium augures acturi essent
iussissentque Ti. Claudium Centumalum, qui aedes in
Caelio monte habebat, demoliri ea, quorum altitudo
officeret auspiciis, Claudius proscripsit insulam [ven-
didit], emit P. Calpurnius Lanarius. Huic ab augu-
ribus illud idem denuntiatum est. Itaque Calpur-
nius cum demolitus esset cognossetque Claudium aedes
postea proscripsisse, quam esset ab auguribus demoliri
iussus, arbitrum illum adegit, QUIDQUID SIBI DARE FA-
CERE OPORTERET EX FIDE BONA. M. Cato sententiam
dixit, huius nostri Catonis pater (ut enim ceteri ex pa-
tribus, sic hic, qui illud lumen progenuit, ex filio est
nominandus)—is igitur iudex ita pronuntiavit: "cum
in vendundo rem eam scisset et non pronuntiasset,
67 emptori damnum praestari oportere." Ergo ad fidem

bonam statuit pertinere notum esse emptori vitium, quod nosset venditor. Quod si recte iudicavit, non recte frumentarius ille, non recte aedium pestilentium venditor tacuit. Sed huius modi reticentiae iure civili comprehendi non possunt; quae autem possunt, diligenter tenentur. M. Marius Gratidianus, propinquus noster, C. Sergio Oratae vendiderat aedes eas, quas ab eodem ipse paucis ante annis emerat. Eae serviebant, sed hoc in mancipio Marius non dixerat. Adducta res in iudicium est. Oratam Crassus, Gratidianum defendebat Antonius. Ius Crassus urguebat, "quod vitii venditor non dixisset sciens, id oportere praestari," aequitatem Antonius, "quoniam id vitium ignotum Sergio non fuisset, qui illas aedes vendidisset, nihil fuisse necesse dici, nec eum esse deceptum, qui, id, quod emerat, quo iure esset, teneret." Quorsus haec? 68
Ut illud intellegas, non placuisse maioribus nostris astutos.

Sed aliter leges, aliter philosophi tollunt astutias, 17
leges, quatenus manu tenere possunt, philosophi, quatenus ratione et intellegentia. Ratio ergo hoc postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter. Suntne igitur insidiae tendere plagas, etiamsi excitaturus non sis nec agitaturus? ipsae enim ferae nullo insequente saepe incidunt. Sic tu aedes proscribas, tabulam tamquam plagam ponas, [domum propter vitia vendas,] in eam aliquis incurrat inprudens? Hoc quam- 69
quam video propter depravationem consuetudinis neque more turpe haberi neque aut lege sanciri aut iure civili, tamen naturae lege sanctum est. Societas est enim (quod etsi saepe dictum est, dicendum est tamen saepius), latissime quidem quae pateat, omnium inter

omnes, interior eorum, qui eiusdem gentis sunt, pro-
pior eorum, qui eiusdem civitatis. Itaque maiores
aliud ius gentium, aliud ius civile esse voluerunt; quod
civile, non idem continuo gentium, quod autem genti-
um, idem civile esse debet. Sed nos veri iuris germa-
naeque iustitiae solidam et expressam effigiem nullam
tenemus, umbra et imaginibus utimur. Eas ipsas uti-
nam sequeremur! feruntur enim ex optimis naturae et
70 veritatis exemplis. Nam quanti verba illa: UTI NE
PROPTER TE FIDEMVE TUAM CAPTUS FRAUDATUSVE SIM!
quam illa aurea: UT INTER BONOS BENE AGIER OPORTET ET
SINE FRAUDATIONE! Sed, qui sint "boni," et quid sit
"beni agi," magna quaestio est. Q. quidem Scaevola,
pontifex maximus, summam vim esse dicebat in omni-
bus iis arbitriis, in quibus adderetur EX FIDE BONA,
fideique bonae nomen existimabat manare latissime,
idque versari in tutelis societatibus, fiduciis mandatis,
rebus emptis venditis, conductis locatis, quibus vitae
societas contineretur; in iis magni esse iudicis statuere,
praesertim cum in plerisque essent iudicia contraria,
71 quid quemque cuique praestare oporteret. Quocirca
astutiae tollendae sunt eaque malitia, quae volt illa qui-
dem videri se esse prudentiam, sed abest ab ea distat-
que plurimum. Prudentia est enim locata in dilectu
bonorum et malorum, malitia, si omnia, quae turpia
sunt, mala sunt, mala bonis ponit ante. Nec vero in
praediis solum ius civile ductum a natura malitiam
fraudemque vindicat, sed etiam in mancipiorum vendi-
tione venditoris fraus omnis excluditur. Qui enim
scire debuit de sanitate, de fuga, de furtis, praestat
72 edicto aedilium. Heredum alia causa est. Ex quo in-
tellegitur, quoniam iuris natura fons sit, hoc secundum

naturam esse, neminem id agere, ut ex alterius praedetur inscitia. Nec ulla pernicies vitae maior inveniri potest quam in malitia simulatio intellegentiae; ex quo ista innumerabilia nascuntur, ut utilia cum honestis pugnare videantur. Quotus enim quisque reperietur, qui impunitate et ignoratione omnium proposita abstinere possit iniuria?

Periclitemur, si placet, et in iis quidem exemplis, 18 73
in quibus peccari volgus hominum fortasse non putet. Neque enim de sicariis, veneficis, testamentariis, furibus, peculatoribus hoc loco disserendum est, qui non verbis sunt et disputatione philosophorum, sed vinclis et carcere fatigandi, sed haec consideremus, quae faciunt ii, qui habentur boni. L. Minuci Basili, locupletis hominis, falsum testamentum quidam e Graecia Romam attulerunt. Quod quo facilius optinerent, scripserunt heredes secum M. Crassum et Q. Hortensium, homines eiusdem aetatis potentissimos; qui cum illud falsum esse suspicarentur, sibi autem nullius essent conscii culpae, alieni facinoris munusculum non repudiaverunt. Quid ergo? satin est hoc, ut non deliquisse videantur? Mihi quidem non videtur, quamquam alterum vivum amavi, alterum non odi mortuum; sed cum 74
Basilus M. Satrium, sororis filium, nomen suum ferre voluisset eumque fecisset heredem (hunc dico patronum agri Piceni et Sabini; o turpem notam temporum [nomen illorum]!) non erat aequum principes civis rem habere, ad Satrium nihil praeter nomen pervenire. Etenim, si is, qui non defendit iniuriam neque propulsat, cum potest, iniuste facit, ut in primo libro disserui, qualis habendus est is, qui non modo non repellit, sed etiam adiuvat iniuriam? Mihi quidem etiam verae

hereditates non honestae videntur, si sunt malitiosis
blanditiis, officiorum non veritate, sed simulatione
quaesitae. Atqui in talibus rebus aliud utile inter-
75 dum, aliud honestum videri solet. Falso; nam eadem
(75) utilitatis, quae honestatis, est regula. Qui hoc non
perviderit, ab hoc nulla fraus aberit, nullum facinus.
Sic enim cogitans: "Est istuc quidem honestum, verum
hoc expedit" res a natura copulatas audebit errore di-
vellere, qui fons est fraudium, maleficiorum, scelerum
19 omnium. Itaque, si vir bonus habeat hanc vim, ut, si
digitis concrepuerit, possit in locupletium testamenta
nomen eius inrepere, hac vi non utatur, ne si explora-
tum quidem habeat id omnino neminem umquam suspi-
caturum. At dares hanc vim M. Crasso, ut digitorum
percussione heres posset scriptus esse, qui re vera non
esset heres, in foro, mihi crede, saltaret. Homo autem
iustus isque, quem sentimus virum bonum, nihil cui-
quam, quod in se transferat, detrahet. Hoc qui admi-
76 ratur, is se, quid sit vir bonus, nescire fateatur. At
vero, si qui voluerit animi sui complicatam notionem
evolvere, iam se ipse doceat eum virum bonum esse,
qui prosit, quibus possit, noceat nemini nisi lacessitus
iniuria. Quid ergo? hic non noceat, qui quodam quasi
veneno perficiat, ut veros heredes moveat, in eorum lo-
cum ipse succedat? "Non igitur faciat," dixerit quis,
"quod utile sit, quod expediat?" Immo intellegat
nihil nec expedire nec utile esse, quod sit iniustum;
77 hoc qui non didicerit, bonus vir esse non poterit. *C.*
Fimbriam consularem audiebam de patre nostro puer
iudicem M. Lutatio Pinthiae fuisse, equiti Romano
sane honesto, cum is sponsionem fecisset, NI VIR BONUS
ESSET. Itaque ei dixisse Fimbriam se illam rem num-

quam iudicaturum; ne aut spoliaret fama probatum hominem, si contra iudicavisset, aut statuisse videretur virum bonum esse aliquem, cum ea res innumerabilibus officiis et laudibus contineretur. Huic igitur viro bono, quem Fimbria etiam, non modo Socrates noverat, nullo modo videri potest quicquam esse utile, quod non honestum sit. Itaque talis vir non modo facere, sed ne cogitare quidem quicquam audebit, quod non audeat praedicare. Haec non turpe est dubitare philosophos, quae ne rustici quidem dubitent? a quibus natum est id, quod iam contritum est vetustate, proverbium. Cum enim fidem alicuius bonitatemque laudant, dignum esse dicunt, "quicum in tenebris mices." Hoc quam habet vim nisi illam, nihil expedire, quod non deceat, etiamsi id possis nullo refellente optinere? Videsne hoc proverbio neque Gygi illi posse veniam 78 dari neque huic, quem paulo ante fingebam digitorum percussione hereditates omnium posse converrere? Ut enim, quod turpe est, id, quamvis occultetur, tamen honestum fieri nullo modo potest, sic, quod honestum non est, id utile ut sit, effici non potest adversante et repugnante natura.

At enim, cum permagna praemia sunt, est causa pec- **20** candi. 79 C. Marius cum a spe consulatus longe abesset et iam septimum annum post praeturam iaceret neque petiturus umquam consulatum videretur, Q. Metellum, cuius legatus erat, summum virum et civem, cum ab eo, imperatore suo, Romam missus esset, apud populum Romanum criminatus est bellum illum ducere; si se consulem fecissent, brevi tempore aut vivum aut mortuum Iugurtham se in potestatem populi Romani redacturum. Itaque factus est ille quidem consul, sed

a fide iustitiaque discessit, qui optimum et gravissimum civem, cuius legatus et a quo missus esset, in
80 invidiam falso crimine adduxerit. Ne noster quidem Gratidianus officio viri boni functus est tum, cum praetor esset collegiumque praetorium tribuni plebi adhibuissent, ut res nummaria de communi sententia constitueretur; iactabatur enim temporibus illis nummus sic, ut nemo posset scire, quid haberet. Conscripserunt communiter edictum cum poena atque iudicio constitueruntque, ut omnes simul in rostra post meridiem escenderent. Et ceteri quidem alius alio, Marius ab subselliis in rostra recta idque, quod communiter compositum fuerat, solus edixit. Et ea res, si quaeris, ei magno honori fuit; omnibus vicis statuae, ad eas tus, cerei; quid multa? nemo umquam multitudini fuit
81 carior. Haec sunt, quae conturbent in deliberatione non numquam, cum id, in quo violatur aequitas, non ita magnum, illud autem, quod ex eo paritur, permagnum videtur, ut Mario praeripere collegis et tribunis plebi popularem gratiam non ita turpe, consulem ob eam rem fieri, quod sibi tum proposuerat, valde utile videbatur. Sed omnium una regula est, quam tibi cupio esse notissimam, aut illud, quod utile videtur, turpe ne sit aut, si turpe est, ne videatur esse utile. Quid igitur? possumusne aut illum Marium virum bonum iudicare aut hunc? Explica atque excute intellegentiam tuam, ut videas, quae sit in ea [species] forma et notio viri boni. Cadit ergo in virum bonum mentiri emolumenti sui causa, criminari, praeripere, fallere?
82 Nihil profecto minus. Est ergo ulla res tanti aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est, quod adferre tan-

tum utilitas ista, quae dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem iustitiamque detraxerit? Quid enim interest, utrum ex homine se convertat quis in beluam an hominis figura inmanitatem gerat beluae?

Quid? qui omnia recta et honesta neglegunt, dum 21
modo potentiam consequantur, nonne idem faciunt, quod is, qui etiam socerum habere voluit eum, cuius ipse audacia potens esset? Utile ei videbatur plurimum posse alterius invidia; id quam iniustum in patriam et quam turpe esset, non videbat. Ipse autem socer in ore semper Graecos versus de Phoenissis habebat, quos dicam, ut potero, incondite fortasse, sed tamen, ut res possit intellegi:

> Nam sí violandum est iús, regnandi grátia
> Violándum est; aliis rébus pietatém colas.

Capitalis [Eteocles vel potius Euripides], qui id unum, quod omnium sceleratissimum fuerit, exceperit! Quid 83
igitur minuta colligimus, hereditates, mercaturas, venditiones fraudulentas? ecce tibi, qui rex populi Romani dominusque omnium gentium esse concupiverit idque perfecerit! Hanc cupiditatem si honestam quis esse dicit, amens est; probat enim legum et libertatis interitum earumque oppressionem taetram et detestabilem gloriosam putat. Qui autem fatetur honestum non esse in ea civitate, quae libera fuerit quaeque esse debeat, regnare, sed ei, qui id facere possit, esse utile, qua hunc obiurgatione aut quo potius convicio a tanto errore coner avellere? Potest enim, di immortales! cuiquam esse utile foedissimum et taeterrimum parricidium patriae, quamvis is, qui se eo obstrinxerit, ab oppressis civibus parens nominetur? Honestate igitur derigenda

utilitas est, et quidem sic, ut haec duo verbo inter se
84 discrepare, re unum sonare videantur. Non habeo, ad
volgi opinionem quae maior utilitas quam regnandi
esse possit; nihil contra inutilius ei, qui id iniuste consecutus sit, invenio, cum ad veritatem coepi revocare rationem. Possunt enim cuiquam esse utiles angores, sollicitudines, diurni et nocturni metus, vita insidiarum periculorumque plenissima?

> Múlti iniqui atque ínfideles régno, pauci bénivoli,

inquit Accius. At cui regno? Quod a Tantalo et Pelope proditum iure optinebatur. Nam quanto pluris ei regi putas, qui exercitu populi Romani populum ipsum Romanum oppressisset civitatemque non modo
liberam, sed etiam gentibus imperantem servire sibi
85 coëgisset? Hunc tu quas conscientiae labes in animo
censes habuisse, quae vulnera? Cuius autem vita ipsi potest utilis esse, cum eius vitae ea condicio sit, ut, qui illam eripuerit, in maxima et gratia futurus sit et gloria? Quodsi haec utilia non sunt, quae maxime videntur, quia plena sunt dedecoris ac turpitudinis, satis persuasum esse debet nihil esse utile, quod non honestum sit.

22
86 Quamquam id quidem cum saepe alias, tum Pyrrhi bello a C. Fabricio consule iterum et a senatu nostro iudicatum est. Cum enim rex Pyrrhus populo Romano bellum ultro intulisset, cumque de imperio certamen esset cum rege generoso ac potenti, perfuga ab eo venit in castra Fabrici eique est pollicitus, si praemium sibi proposuisset, se, ut clam venisset, sic clam in Pyrrhi castra rediturum et eum veneno necaturum. Hunc Fabricius reducendum curavit ad Pyrrhum, idque eius factum laudatum a senatu est. Atqui, si speciem utili-

tatis opinionemque quaerimus, magnum illud bellum
perfuga unus et gravem adversarium imperii sustulis-
set, sed magnum dedecus et flagitium, quicum laudis
certamen fuisset, eum non virtute, sed scelere supera-
tum. Utrum igitur utilius vel Fabricio, qui talis in 87
hac urbe, qualis Aristides Athenis, fuit, vel senatui
nostro, qui numquam utilitatem a dignitate seiunxit,
armis cum hoste certare an venenis? Si gloriae causa
imperium expetundum est, scelus absit, in quo non
potest esse gloria; sin ipsae opes expetuntur quoquo
modo, non poterunt utiles esse cum infamia. Non igi-
tur utilis illa L. Philippi Q. f. sententia, quas civitates
L. Sulla pecunia accepta ex senatus consulto liberavis-
set, ut eae rursus vectigales essent neque iis pecuniam,
quam pro libertate dederant, redderemus. Ei senatus
est assensus. Turpe imperio! piratarum enim melior
fides quam senatus. At aucta vectigalia, utile igitur.
Quousque audebunt dicere quicquam utile, quod non
honestum? potest autem ulli imperio, quod gloria debet 88
fultum esse et benivolentia sociorum, utile esse odium
et infamia? Ego etiam cum Catone meo saepe dis-
sensi; nimis mihi praefracte videbatur aerarium vecti-
galiaque defendere, omnia publicanis negare, multa
sociis, cum in hos benefici esse deberemus, cum illis
sic agere, ut cum colonis nostris soleremus, eoque
magis, quod illa ordinum coniunctio ad salutem rei
publicae pertinebat. Male etiam Curio, cum causam
Transpadanorum aequam esse dicebat, semper autem
addebat: "Vincat utilitas!" Potius doceret non esse
aequam, quia non esset utilis rei publicae, quam, cum
utilem non esse diceret, esse aequam fateretur.

Plenus est sextus liber de officiis Hecatonis talium 23 89

quaestionum: "sitne boni viri in maxima caritate annonae familiam non alere." In utramque partem disputat, sed tamen ad extremum utilitate, ut putat, officium derigit magis quam humanitate. Quaerit, si in mari iactura facienda sit, equine pretiosi potius iacturam faciat an servoli vilis. Hic alio res familiaris, alio ducit humanitas. "Si tabulam de naufragio stultus arripuerit extorquebitne eam sapiens, si potuerit?" Negat, quia sit iniurium. "Quid? dominus navis eripietne suum?" "Minime, non plus quam navigantem in alto eicere de navi velit, quia sua sit. Quoad enim perventum est eo, quo sumpta navis est, non domini est
90 navis, sed navigantium." "Quid? si una tabula sit, duo naufragi, eique sapientes, sibine uter*que* rapiat, an alter cedat alteri?" "Cedat vero, sed ei, cuius magis intersit vel sua vel rei publicae causa vivere." "Quid, si haec paria in utroque?" "Nullum erit certamen, sed quasi sorte aut micando victus alteri cedet alter." "Quid? si pater fana expilet, cuniculos agat ad aerarium, indicetne id magistratibus filius?" "Nefas id quidem est, quin etiam defendat patrem, si arguatur." "Non igitur patria praestat omnibus officiis?" "Immo vero, sed ipsi patriae conducit pios habere cives in parentes." "Quid? si tyrannidem occupare, si patriam prodere conabitur pater, silebitne filius?" "Immo vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit, minabitur etiam, ad extremum, si ad perniciem patriae res spectabit, patriae salutem anteponet
91 saluti patris." Quaerit etiam, si sapiens adulterinos nummos acceperit inprudens pro bonis, cum id rescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait, Antipater negat, cui potius assentior. Qui

vinum fugiens vendat sciens, debeatne dicere. Non necesse putat Diogenes, Antipater viri boni existimat. Haec sunt quasi controversa iura Stoicorum. "In mancipio vendundo dicendane vitia, non ea, quae nisi dixeris, redhibeatur mancipium iure civili, sed haec, mendacem esse, aleatorem, furacem, ebriosum?" Alteri dicenda videntur, alteri non videntur. "Si quis 92
aurum vendens orichalcum se putet vendere, indicetne ei vir bonus aurum illud esse an emat denario, quod sit mille denarium?" Perspicuum est iam, et quid mihi videatur, et quae sit inter eos philosophos, quos nominavi, controversia.

Pacta et promissa semperne servanda sint, QUAE NEC 24
VI NEC DOLO MALO, ut praetores solent, FACTA SINT. Si quis medicamentum cuipiam dederit ad aquam intercutem pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento umquam postea uteretur, si eo medicamento sanus factus sit et annis aliquot post inciderit in eundem morbum nec ab eo, quicum pepigerat, impetret, ut iterum eo liceat uti, quid faciendum sit. Cum sit is inhumanus, qui non concedat, nec ei quicquam fiat iniuriae, vitae et saluti consulendum. Quid? si qui sapiens rogatus sit ab eo, qui eum here- 93
dem faciat, cum ei testamento sestertium milies relinquatur, ut, ante quam hereditatem adeat, luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scripturus ille non esset, faciat, quod promiserit, necne? Promisisse nollem et id arbitror fuisse gravitatis; quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit, nisi forte eam pecuniam in rei publicae magnum aliquod tempus con-

tulerit, ut vel saltare, cum patriae consulturus sit, turpe non sit.

25 Ac ne illa quidem promissa servanda sunt, quae non
94 sunt iis ipsis utilia, quibus illa promiseris. Sol Phaë-
thonti filio, ut redeamus ad fabulas, facturum se esse
dixit, quicquid optasset; optavit, ut in currum patris
tolleretur; sublatus est. Atque is, ante quam consti-
tit, ictu fulminis deflagravit. Quanto melius fuerat in
hoc promissum patris non esse servatum! Quid, quod
Theseus exegit promissum a Neptuno? cui cum tres
optationes Neptunus dedisset, optavit interitum Hip-
polyti filii, cum is patri suspectus esset de noverca;
quo optato impetrato Theseus in maxumis fuit lucti-
95 bus. Quid, *quod* Agamemnon cum devovisset Dianae,
quod in suo regno pulcherrimum natum esset illo anno,
immolavit Iphigeniam, qua nihil erat eo quidem anno
natum pulchrius? Promissum potius non faciendum
quam tam taetrum facinus admittendum fuit. Ergo et
promissa non facienda non numquam, neque semper
deposita reddenda. Si gladium quis apud te sana
mente deposuerit, repetat insaniens, reddere peccatum
sit, officium non reddere. Quid? si is, qui apud te
pecuniam deposuerit, bellum inferat patriae, reddasne
depositum? Non credo; facias enim contra rem pub-
licam, quae debet esse carissima. Sic multa, quae ho-
nesta natura videntur esse, temporibus fiunt non ho-
nesta; facere promissa, stare conventis, reddere depo-
sita commutata utilitate fiunt non honesta. Ac de iis
quidem, quae videntur esse utilitates contra iustitiam
simulatione prudentiae, satis arbitror dictum.

96 Sed quoniam a quattuor fontibus honestatis primo
libro officia duximus, in eisdem versemur, cum docebi-

mus ea, quae videantur esse utilia neque sint, quam sint virtutis inimica. Ac de prudentia quidem, quam vult imitari malitia, itemque de iustitia, quae semper est utilis, disputatum est. Reliquae sunt duae partes honestatis, quarum altera in animi excellentis magnitudine et praestantia cernitur, altera in conformatione et moderatione continentiae et temperantiae.

Utile videbatur Ulixi, ut quidem poëtae tragici pro- 26 97
diderunt (nam apud Homerum, optumum auctorem, talis de Ulixe nulla suspicio est), sed insimulant eum tragoediae simulatione insaniae militiam subterfugere voluisse. Non honestum consilium. "At utile [,ut aliquis fortasse dixerit,] regnare et Ithacae vivere otiose cum parentibus, cum uxore, cum filio. Ullum tu decus in cotidianis laboribus et periculis cum hac tranquillitate conferendum putas?" Ego vero istam contemnendam et abiciendam, quoniam, quae honesta non sit, ne utilem quidem esse arbitror. Quid enim audi- 98
turum putas fuisse Ulixem, si in illa simulatione perseveravisset? qui cum maximas res gesserit in bello, tamen haec audiat ab Aiace:

Cuius ípse princeps iúris iurandí fuit,
Quod ómnes scitis, sólus neglexít fidem;
Furere ássimulare, né coiret, ínstitit.
Quodní Palamedi pérspicax prudéntia
Istíus percepset málitiosam audáciam,
Fidé sacratae iús perpetuo fálleret.

Illi vero non modo cum hostibus, verum etiam cum 99
fluctibus, id quod fecit, dimicare melius fuit quam deserere consentientem Graeciam ad bellum barbaris inferendum. Sed omittamus et fabulas et externa; ad rem factam nostramque veniamus. M. Atilius Regulus

cum consul iterum in Africa ex insidiis captus esset duce Xanthippo Lacedaemonio, imperatore autem patre Hannibalis Hamilcare, iuratus missus est ad senatum, ut, nisi redditi essent Poenis captivi nobiles quidam, rediret ipse Carthaginem. Is cum Romam venisset, utilitatis speciem videbat, sed eam, ut res declarat, falsam iudicavit; quae erat talis: manere in patria, esse domui suae cum uxore, cum liberis, quam calamitatem accepisset in bello, communem fortunae bellicae iudicantem tenere consularis dignitatis gradum. Quis haec negat esse utilia? quem censes? Magnitudo animi et fortitudo negat.

27
100 Num locupletiores quaeris auctores? Harum enim est virtutum proprium nihil extimescere, omnia humana despicere, nihil, quod homini accidere possit, intolerandum putare. Itaque quid fecit? In senatum venit, mandata exposuit, sententiam ne diceret, recusavit, quam diu iure iurando hostium teneretur, non esse se senatorem. Atque illud etiam ("o stultum hominem," dixerit quispiam, "et repugnantem utilitati suae!"), reddi captivos negavit esse utile; illos enim adulescentes esse et bonos duces, se iam confectum senectute. Cuius cum valuisset auctoritas, captivi retenti sunt, ipse Carthaginem rediit, neque eum caritas patriae retinuit nec suorum. Neque vero tum ignorabat se ad crudelissimum hostem et ad exquisita supplicia proficisci, sed ius iurandum conservandum putabat. Itaque tum, cum vigilando necabatur, erat in meliore causa, quam si domi senex captivus, periurus consularis
101 remansisset. At stulte, qui non modo non censuerit captivos remittendos, verum etiam dissuaserit. Quo modo stulte? etiamne, si rei publicae conducebat? po-

test autem, quod inutile rei publicae sit, id cuiquam civi utile esse?]

Pervertunt homines ea, quae sunt fundamenta na- 28
turae, cum utilitatem ab honestate seiungunt. Omnes enim expetimus utilitatem ad eamque rapimur nec facere aliter ullo modo possumus. Nam quis est, qui utilia fugiat? aut quis potius, qui ea non studiosissime persequatur? Sed quia nusquam possumus nisi in laude, decore, honestate utilia reperire, propterea illa prima et summa habemus, utilitatis nomen non tam
splendidum quam necessarium ducimus. Quid est igi- 102
tur, dixerit quis, in iure iurando? num iratum timemus Iovem? At hoc quidem commune est omnium philosophorum, non eorum modo, qui deum nihil habere ipsum negotii dicunt, nihil exhibere alteri, sed eorum etiam, qui deum semper agere aliquid et moliri volunt, numquam nec irasci deum nec nocere. Quid autem iratus Iuppiter plus nocere potuisset, quam nocuit sibi ipse Regulus? Nulla igitur vis fuit religionis, quae tantam utilitatem perverteret. An ne turpiter faceret? Primum minima de malis. Num igitur tantum mali turpitudo ista habebat, quantum ille cruciatus? Deinde illud etiam apud Accium:

Fregistín fidem?
Néque dedi neque do ínfideli cuíquam

quamquam ab impio rege dicitur, luculente tamen di-
citur. Addunt etiam, quem ad modum nos dicamus 103
videri quaedam utilia, quae non sint, sic se dicere videri quaedam honesta, quae non sint, "ut hoc ipsum videtur honestum, conservandi iuris iurandi causa ad cruciatum revertisse; sed fit non honestum, quia, quod per vim hostium esset actum, ratum esse non debuit."

Addunt etiam, quicquid valde utile sit, id fieri honestum, etiamsi antea non videretur. Haec fere contra Regulum. Sed prima videamus.

29 104 "Non fuit Iuppiter metuendus ne iratus noceret, qui neque irasci solet nec nocere." Haec quidem ratio non magis contra Reguli quam contra omne ius iurandum valet. Sed in iure iurando non qui metus, sed quae vis sit, debet intellegi; est enim ius iurandum adfirmatio religiosa; quod autem adfirmate quasi deo teste promiseris, id tenendum est. Iam enim non ad iram deorum, quae nulla est, sed ad iustitiam et ad fidem pertinet. Nam praeclare Ennius:

Ó Fides alma ápta pinnis ét ius iurandúm Iovis!

Qui ius igitur iurandum violat, is Fidem violat, quam in Capitolio "vicinam Iovis optimi maximi," ut in
105 Catonis oratione est, maiores nostri esse voluerunt. At enim ne iratus quidem Iuppiter plus Regulo nocuisset, quam sibi nocuit ipse Regulus. Certe, si nihil malum esset nisi dolere. Id autem non modo [non] summum malum, sed ne malum quidem esse maxima auctoritate philosophi adfirmant. Quorum quidem testem non mediocrem, sed haud scio an gravissimum Regulum nolite, quaeso, vituperare. Quem enim locupletiorem quaerimus quam principem populi Romani, qui retinendi officii causa cruciatum subierit voluntarium? Nam quod aiunt: "minima de malis," id est ut turpiter potius quam calamitose, an est ullum maius malum turpitudine? quae si in deformitate corporis habet aliquid offensionis, quanta illa depravatio et foedi-
106 tas turpificati animi debet videri! Itaque nervosius qui ista disserunt, solum audent malum dicere id, quod turpe sit, qui autem remissius, ii tamen

non dubitant summum malum dicere. Nam illud quidem:

Néque dedi neque do ínfideli cuíquam

idcirco recte a poëta, quia, cum tractaretur Atreus, personae serviendum fuit. Sed si hoc sibi sument, nullam esse fidem, quae infideli data sit, videant, ne quaeratur latebra periurio. [Est autem ius etiam bellicum 107
fidesque iuris iurandi saepe cum hoste servanda.] Quod enim ita iuratum est, ut mens conciperet fieri oportere, id servandum est; quod aliter, id si non fecerit, nullum est periurium. Ut, si praedonibus pactum pro capite pretium non attuleris, nulla fraus est, ne si iuratus quidem id non feceris; nam pirata non est ex perduellium numero definitus, sed communis hostis omnium; cum hoc nec fides debet nec ius iurandum esse commune. Non enim falsum iurare periurare est, 108
sed, quod EX ANIMI TUI SENTENTIA iuraris, sicut verbis concipitur more nostro, id non facere periurium est. Scite enim Euripides:

Iurávi lingua, méntem iniuratám gero.

Regulus vero non debuit condiciones pactionesque bellicas et hostiles perturbare periurio. Cum iusto enim et legitimo hoste res gerebatur, adversus quem et totum ius fetiale et multa sunt iura communia. Quod ni ita esset, numquam claros viros senatus vinctos hostibus dedidisset.

At vero T. Veturius et Sp. Postumius cum iterum **30** 109
consules essent, quia, cum male pugnatum apud Caudium esset, legionibus nostris sub iugum missis pacem cum Samnitibus fecerant, dediti sunt iis; iniussu enim populi senatusque fecerant. Eodemque tempore Ti. Numicius, Q. Maelius, qui tum tribuni pl. erant, quod

eorum auctoritate pax erat facta, dediti sunt, ut pax Samnitium repudiaretur; atque huius deditionis ipse Postumius, qui dedebatur, suasor et auctor fuit. Quod idem multis annis post C. Mancinus, qui, ut Numantinis, quibuscum sine senatus auctoritate foedus fecerat, dederetur, rogationem suasit eam, quam L. Furius, Sex. Atilius ex senatus consulto ferebant; qua accepta est hostibus deditus. Honestius hic quam Q. Pompeius, quo, cum in eadem causa esset, deprecante accepta lex non est. Hic ea, quae videbatur utilitas, plus valuit quam honestas, apud superiores utilitatis species
110 falsa ab honestatis auctoritate superata est.—At non debuit ratum esse, quod erat actum per vim.—Quasi vero forti viro vis possit adhiberi.—Cur igitur ad senatum proficiscebatur, cum praesertim de captivis dissuasurus esset?—Quod maximum in eo est, id reprehenditis. Non enim suo iudicio stetit, sed suscepit causam, ut esset iudicium senatus; cui nisi ipse auctor fuisset, captivi profecto Poenis redditi essent; ita incolumis in patria Regulus restitisset. Quod quia patriae non utile putavit, idcirco sibi honestum et sentire illa et pati credidit. Nam quod aiunt, quod valde utile sit, id fieri honestum, immo vero esse, non fieri. Est enim nihil utile, quod idem non honestum, nec, quia utile, honestum, sed, quia honestum, utile. Quare ex multis mirabilibus exemplis haud facile quis dixerit hoc exemplo aut laudabilius aut praestantius.

31
111 Sed ex tota hac laude Reguli unum illud est admiratione dignum, quod captivos retinendos censuit. Nam quod rediit, nobis nunc mirabile videtur, illis quidem temporibus aliter facere non potuit; itaque ista laus non est hominis, sed temporum. Nullum enim vincu-

lum ad astrigendam fidem iure iurando maiores artius esse voluerunt. Id indicant leges in duodecim tabulis, indicant sacratae, indicant foedera, quibus etiam cum hoste devincitur fides, indicant notiones animadversionesque censorum, qui nulla de re diligentius quam de iure iurando iudicabant. L. Manlio A. f., cum dicta- 112
tor fuisset, M. Pomponius tr. pl. diem dixit, quod is paucos sibi dies ad dictaturam gerendam addidisset; criminabatur etiam, quod Titum filium, qui postea est Torquatus appellatus, ab hominibus relegasset et ruri habitare iussisset. Quod cum audivisset adulescens filius, negotium exhiberi patri, accurrisse Romam et cum primo luci Pomponi domum venisse dicitur. Cui cum esset nuntiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo remotisque arbitris ad se adulescentem iussit venire. At ille, ut ingressus est, confestim gladium destrinxit iuravitque se illum statim interfecturum, nisi ius iurandum sibi dedisset se patrem missum esse facturum. Iuravit hoc terrore coactus Pomponius; rem ad populum detulit, docuit, cur sibi causa desistere necesse esset, Manlium missum fecit. Tantum temporibus illis ius iurandum valebat. Atque hic T. Manlius is est, qui ad Anienem Galli, quem ab eo provocatus occiderat, torque detracto cognomen invenit, cuius tertio consulatu Latini ad Veserim fusi et fugati, magnus vir in primis et, qui perindulgens in patrem, idem acerbe severus in filium.

Sed, ut laudandus Regulus in conservando iure iu- 32 113
rando, sic decem illi, quos post Cannensem pugnam iuratos ad senatum misit Hannibal se in castra redituros ea, quorum erant potiti Poeni, nisi de redimendis

captivis impetravissent, si non redierunt, vituperandi. De quibus non omnes uno modo; nam Polybius, bonus auctor in primis, ex decem nobilissimis, qui tum erant missi, novem revertisse dicit re a senatu non impetrata; unum ex decem, qui paulo post, quam erat egressus e castris, redisset, quasi aliquid esset oblitus, Romae remansisse; reditu enim in castra liberatum se esse iure iurando interpretabatur, non recte; fraus enim astringit, non dissolvit periurium. Fuit igitur stulta calliditas perverse imitata prudentiam. Itaque decrevit senatus, ut ille veterator et callidus vinctus ad Hanni-
114 balem duceretur. Sed illud maxumum: Octo hominum milia tenebat Hannibal, non quos in acie cepisset, aut qui periculo mortis diffugissent, sed qui relicti in castris fuissent a Paulo et a Varrone consulibus. Eos senatus non censuit redimendos, cum id parva pecunia fieri posset, ut esset insitum militibus nostris aut vincere aut emori. Qua quidem re audita fractum animum Hannibalis scribit idem, quod senatus populusque Romanus rebus afflictis tam excelso animo fuisset. Sic honestatis comparatione ea, quae videntur utilia, vin-
115 cuntur. C. Acilius autem, qui Graece scripsit historiam, plures ait fuisse, qui in castra revertissent eadem fraude, ut iure iurando liberarentur, eosque a censoribus omnibus ignominiis notatos. Sit iam huius loci finis. Perspicuum est enim ea, quae timido animo, humili, demisso fractoque fiant, quale fuisset Reguli factum, si aut de captivis, quod ipsi opus esse videretur, non quod rei publicae, censuisset aut domi remanere voluisset, non esse utilia, quia sint flagitiosa, foeda, turpia.

33
116 Restat quarta pars, quae decore, moderatione, mo-

destia, continentia, temperantia continetur. Potest igi-
tur quicquam utile esse, quod sit huic talium virtu-
tum choro contrarium? Atqui ab Aristippo Cyrenaici
atque Annicerii philosophi nominati omne bonum in
voluptate posuerunt virtutemque censuerunt ob eam
rem esse laudandam, quod efficiens esset voluptatis.
Quibus obsoletis floret Epicurus, eiusdem fere adiutor
auctorque sententiae. Cum his "viris equisque," ut
dicitur, si honestatem tueri ac retinere sententia est,
decertandum est. Nam si non modo utilitas, sed vita 117
omnis beata corporis firma constitutione eiusque con-
stitutionis spe explorata, ut a Metrodoro scriptum est,
continetur, certe haec utilitas, et quidem summa (sic
enim censent), cum honestate pugnabit. Nam ubi pri-
mum prudentiae locus dabitur? an ut conquirat undi-
que suavitates? Quam miser virtutis famulatus ser-
vientis voluptati! Quod autem munus prudentiae? an
legere intellegenter voluptates? Fac nihil isto esse
iucundius, quid cogitari potest turpius? Iam, qui do-
lorem summum malum dicat, apud eum quem habet
locum fortitudo, quae est dolorum laborumque con-
temptio? Quamvis enim multis locis dicat Epicurus,
sicuti dicit, satis fortiter de dolore, tamen non id spec-
tandum est, quid dicat, sed quid consentaneum sit ei
dicere, qui bona voluptate terminaverit, mala dolore.
Ut, si illum audiam, de continentia et temperantia di-
cit ille quidem multa multis locis, sed aqua haeret, ut
aiunt; nam qui potest temperantiam laudare is, qui
ponat summum bonum in voluptate? est enim tempe-
rantia libidinum inimica, libidines autem consectatrices
voluptatis. Atque in his tamen tribus generibus, quo- 118
quo modo possunt, non incallide tergiversantur; pruden-

tiam introducunt scientiam suppeditantem voluptates,
depellentem dolores; fortitudinem quoque aliquo modo
expediunt, cum tradunt rationem neglegendae mortis,
perpetiendi doloris; etiam temperantiam inducunt non
facillime illi quidem, sed tamen quoquo modo possunt;
dicunt enim voluptatis magnitudinem doloris detrac-
tione finiri. Iustitia vacillat vel iacet potius omnesque
eae virtutes, quae in communitate cernuntur et in so-
cietate generis humani. Neque enim bonitas nec libe-
ralitas nec comitas esse potest, non plus quam amicitia,
si haec non per se expetantur, sed ad voluptatem utilita-
119 temve referantur. Conferamus igitur in pauca. Nam
ut utilitatem nullam esse docuimus, quae honestati es-
set contraria, sic omnem voluptatem dicimus hones-
tati esse contrariam. Quo magis reprehendendos Cal-
liphontem et Dinomachum iudico, qui se dirempturos
controversiam putaverunt, si cum honestate voluptatem
tamquam cum homine pecudem copulavissent. Non
recipit istam coniunctionem honestas, aspernatur, re-
pellit. Nec vero finis bonorum [et malorum], qui
simplex esse debet, ex dissimillimis rebus misceri et
temperari potest. Sed de hoc (magna enim res est)
120 alio loco pluribus; nunc ad propositum. Quem ad
modum igitur, si quando ea, quae videtur utilitas, ho-
nestati repugnat, diiudicanda res sit, satis est supra
disputatum. Sin autem speciem utilitatis etiam volup-
tas habere dicetur, nulla potest esse ei cum honestate
coniunctio. Nam, ut tribuamus aliquid voluptati, con-
dimenti fortasse non nihil, utilitatis certe nihil habebit.

121 Habes a patre munus, Marce fili, mea quidem sen-
tentia magnum, sed perinde erit, ut acceperis. Quam-
quam hi tibi tres libri inter Cratippi commentarios

tamquam hospites erunt recipiendi; sed, ut, si ipse venissem Athenas (quod quidem esset factum, nisi me e medio cursu clara voce patria revocasset), aliquando me quoque audires, sic, quoniam his voluminibus ad te profecta vox est mea, tribues iis temporis quantum poteris, poteris autem, quantum voles. Cum vero intellexero te hoc scientiae genere gaudere, tum et praesens tecum propediem, ut spero, et, dum aberis, absens loquar. Vale igitur, mi Cicero, tibique persuade esse te quidem mihi carissimum, sed multo fore cariorem, si talibus monitis praeceptisque laetabere.

NOTES

NOTES.

BOOK I.

CHAPTER I.

1 **11, 1. Marce fili**: Marcus Cicero went to Athens in April, B.C. 45, so that he had been there a full year (*annum iam*) when this treatise was begun. See Introd. § 5.—**11, 2. Cratippum,** an eminent Peripatetic philosopher of the time, and probably head of that school at Athens. Cicero held him in the highest esteem, and procured for him from Caesar the gift of the Roman citizenship. In De Div. I. 3, 5 he is spoken of as *familiaris noster, quem ego parem summis Peripateticis iudico;* in Timaeus I. 1, 2 *Peripateticorum omnium, quos quidem ego audierim, meo iudicio facile princeps.* Little is known of his teaching; but Cicero especially mentions a work of his on divination.—**11, 5. ut ipse . . . coniunxi . . . idem tibi censeo faciendum**: Instead of *sic*, corresponding to a preceding *ut*, we often find a pronoun, *idem, id, hoc*, or the like. De Leg. II. 6, 14 *sed ut vir doctissimus fecit Plato . . . idem mihi credo esse faciendum.*—**11, 6. cum Graecis Latina coniunxi**: As he says in Brut. 90, 310 *Commentabar declamitans . . . quotidie; idque faciebam multum etiam Latine, sed Graece saepius, vel quod Graeca oratio plura ornamenta suppeditans consuetudinem similiter Latine dicendi afferebat, vel quod a Graecis summis doctoribus, nisi Graece dicerem, neque corrigi possem neque doceri.*—**11, 9. utriusque orationis,** i. e. both the Latin and the Greek languages; so below (l. 20) he says, *orationem Latinam efficies legendis nostris pleniorem.* He refers apparently to the use of the Latin in philosophical works, as we see from the next sentence. Some commentators, comparing § 3 *illud forense dicendi et hoc quietum disputandi genus,* refer *utriusque linguae* to the oratorical and philosophical styles. The author's meaning is not entirely clear.

11, 9. Quam quidem ad rem, i. e. the use of the Latin just alluded to.—**11, 10. nos . . . magnum attulimus adiumentum** etc.: Cicero often mentions with satisfaction what he had accomplished in this way; De Nat. I. 4, 8 *Quo in genere tantum profecisse videmur, ut a Graecis ne verborum quidem copia vinceremur;* De Div. II. 2, 5 *Magnificum illud etiam Romanisque hominibus gloriosum, ut Graecis de philosophia litteris non egeant.*—**11, 12. docti** are those whom he calls in Acad. I. § 4 *Graecis doctrinis eruditi;* so the *Graecarum litterarum rudes* are there called *indocti.*

2 **11, 16. quoad . . . non paenitebit,** "as long as you are satisfied with what you gain from it." *non paenitere aliquem* is "not to have cause for dissatisfaction." Cic. Ep. ad Att. I. 20, 3 *a senatu quanti fiam minime me paenitet;* ib. XII. 28, 2 *non paenitet me quantum profecerim;* Liv. I. 8 *cum iam virium haud paeniteret. sed* resumes the discourse, interrupted by the incidental remark *tam diu . . . paenitebit.* For other instances of the same usage, see 30, 105; II. 21, 73.—**11, 17. nostra legens** refers to the present treatise.—**a Peripateticis dissidentia,** i. e. *a disciplina Peripateticorum dissidentia.* So often in comparisons; De Nat. Deor. II. 61, 153 *vita beata existit par et similis deorum,* i. e. *vitae deorum;* De Rep. II. 1, 2 *praestare nostrae civitatis statum ceteris civitatibus.* See also note on 39, 11.—**11, 18. utrique Socratici et Platonici volumus esse,** "we both (i. e. the Peripatetics and myself) claim to be followers of Socrates and Plato." Cicero often speaks of the relationship between the great schools of philosophy, as having a common descent; compare De Orat. III. 16, 61 *Nam cum essent plures orti fere a Socrate, . . . proseminatae sunt quasi familiae dissentientes inter se . . . cum tamen omnes se philosophi Socraticos et dici vellent et esse arbitrarentur. Ac primo ab ipso Platone Aristoteles et Xenocrates; quorum alter Peripateticorum, alter nomen Academiae obtinuit, deinde ab Antisthene . . . Cynici primum, deinde Stoici,* etc. The similarity of doctrine, however, must be understood only of the ethical teachings. In Acad. I. 6, 22 Varro gives the view of Antiochus, which was doubtless that of Cicero as well, *illud imprudenter (dicunt plerique) si alios esse Academicos . . . alios Peripateticos arbitrantur. Communis haec ratio et utrisque hic bonorum finis videbatur, adipisci quae essent prima natura, quaeque ipsa per sese expetenda, aut omnia aut maxima.* Comp. De Leg. I. 13, 38; De Orat. III. 18, 67.—For **volumus esse,** "we claim to be," comp. Brutus LVI. 206 *sed idem Aelius Stoicus esse voluit, orator autem nec studuit umquam, nec fuit.*—**11, 19.**

de rebus . . . impedio is an incidental remark, and would be more precisely put in the form of a subordinate clause; "although in regard to the subject-matter you are quite at liberty to form your own opinion, yet," etc. This is quite common in Cicero; compare § 51; § 84; II. § 17; De Leg. II. 7, 16 *neminem esse oportere tam stulte arrogantem, ut in se rationem et mentem putet inesse, in caelo mundoque non putet.*—**11, 20. legendis nostris** repeats *nostra legens* (l. 17), because the attention has been somewhat distracted since the beginning of the sentence.

12, 1. Nam philosophandi etc.: The logical arrangement of the thought would be thus: "While yielding the palm to many in philosophic discussion, I think I have a right to claim for myself the especial excellences of the orator, for to that I have devoted my life." This order is changed for the purpose of bringing into contrast the *philosophandi scientiam* with *quod est oratoris proprium.* Macrobius (in Somn. Scip.) says of Cicero: *Tullius nullius sectae inscius veteribus probatae.*

12, 2. apte, distincte, ornate: De Orat. III. 14, 53 *qui distincte, qui explicate, qui abundanter, qui illuminate et rebus et verbis dicunt . . . ii sunt qui dicunt ornate; qui idem ita moderantur, ut rerum, ut personarum dignitates ferunt, ii sunt in eo genere laudandi, quod ego aptum et congruens nomino. distincte* means "clearly," in arrangement of matter as well as choice of expression.

3 **12, 11. elaboraret**: *laborare* denotes "to labor," "to suffer anxiety," "to be in trouble;" *elaborare* implies success, or refers to the definite aim of the work. **sequeretur,** "attempted," as opposed to *consequi,* "to attain to." So in De Nat. I. 5, 12 *Cuius rei tantae tamque difficilis facultatem consecutum esse me non profiteor, secutum esse prae me fero.*—**12, 13. disputandi**: *disputare* is not the same as our "dispute;" it denotes particularly philosophic discussion, opposed here to *dicere,* forensic discourse.—**Demetrius Phalereus,** born about B.C. 345, was made governor of Athens by Cassander from B.C. 317 to 307; but when Demetrius Poliorketes came there he fled to Ptolemaeus Philadelphus, in Egypt, and died in 283. He was rather a statesman and orator than a philosopher. Brut. 9, 37 *Phalereus . . . successit . . . eruditissimus ille quidem, sed non tam armis institutus quam palaestra, itaque delectabat magis Athenienses quam inflammabat. Processerat enim in solem et pulverem non ut e militari tabernaculo, sed ut e Theophrasti doctissimi hominis umbraculis.*—**12, 15. Theophrasti,** the disciple and successor of Aristotle. Brut. 31, 121 *quis Aristotele*

nervosior, Theophrasto dulcior? Quint. Inst. Orat. X. 1, 83 *Nam in Theophrasto tam est loquendi nitor ille divinus, ut ex eo nomen quoque traxisse dicatur.*

4 **12, 18. Platonem**: De Orat. I. 11, 47 . . . *longe omnium in dicendo gravissimo et eloquentissimo, Platoni, cuius tum Athenis cum Charmada diligentius legi Gorgiam; quo in libro in hoc maxime admirabar Platonem, quod mihi in oratoribus irridendis ipse esse orator summus videbatur.* —**12, 19. gravissime**: Brut. XXIII. 89 . . . *cum duae summae sint in oratore laudes, una subtiliter disputandi ad docendum, altera graviter agendi ad animos audientium permovendos.*—**12, 20. Demosthenem**: Demosthenes is said to have been often present at the discourses of Plato in early life. Cicero says of him in Brutus XXXI. 121 *Lectitavisse Platonem studiose, audivisse etiam Demosthenes dicitur: idque apparet ex genere et granditate verborum . . . Sed et huius oratio in philosophiam translata pugnacior, ut ita dicam, videtur, et illorum in iudicia pacatior.* Plut. Dem. 5 Ἕρμιππος δέ φησιν ἀδεσπότοις ὑπομνήμασιν ἐντυχεῖν, ἐν οἷς ἐγέγραπτο τὸν Δημοσθένην συνεσχολακέναι Πλάτωνι καὶ πλεῖστον εἰς τοὺς λόγους ὠφελῆσθαι. **si illa . . . tenuisset,** "if he had held to," i. e. "continued the study of," **et pronuntiare voluisset,** "and had cared to expound" in writing or discourse as a philosopher. For *tenere* compare such expressions as *consuetudinem, cursum, ornatum, morem tenere.* For *pronuntiare* compare Fragm. Corn. Nep. Guelph. p. 146 *unus* (*Cicero*), *qui potuerit, et etiam debuerit, historiam digna voce pronuntiare. tenuisset* is taken by most commentators in the sense of "had remembered," which seems pointless; of course, if Demosthenes had forgotten what he had learned from Plato, he would not have been able to expound it. *pronuntiare* is more often referred to the employment of philosophical learning in his orations; but the point of the passage is that Plato would have made a good orator, and Demosthenes a good philosopher. *si . . . voluisset . . . potuisse* in the *oratio directa* would be *si voluisset, potuit.*—**12, 23. de Aristotele et Isocrate**: De Orat. III. 35, 141 *Itaque ipse Aristoteles, cum florere Isocratem nobilitate discipulorum videret, quod ipse suas disputationes a causis forensibus et civilibus ad inanem sermonis elegantiam transtulisset, mutavit repente totam formam prope disciplinae suae versumque quendam Philoctetae paullo secus dixit. Ille enim turpe sibi ait esse tacere, cum barbaros, hic autem, cum Isocratem pateretur dicere.* The verse which Aristotle is said to have

altered ran thus: *αἰσχρὸν σιωπᾶν, βαρβάρους δ' ἐᾶν λέγειν.*— **12, 24. alterum,** scil. *studium.*

CHAPTER II.

12, 25. Sed, "But," to come more directly to the subject in hand.—**12, 26. multa posthac**: This, with the intimation at the end of the treatise, shows that Cicero intended to write still more upon these subjects. — **12, 27. auctoritas** is anything in the character or condition of a person which gives weight to what he says.

12, 29. accurate is not so much "precisely," as "carefully," *magna cum cura.*—**latissime patere,** "to have the widest application;" so below VII. 20; § 24 end; § 26, and often elsewhere.— **12, 30. ea quae . . . tradita . . . praecepta sunt**: A sort of hendiadys, "the teachings which have been handed down." Comp. p. 13, 5 *nullis officii praeceptis tradendis.*

12, 31. neque publicis neque privatis etc.: The same sequence is found in Ep. ad Fam. V. 8, 5 end; Ep. ad Att. I. 17, 6 *non forenses res, non domesticae, non publicae, non privatae carere diutius tuo suavissimo atque amantissimo consilio ac sermone possunt.*—**13, 1. si tecum agas quid,** "if you deal with what concerns yourself alone."

5 **13, 5. nullis officii praeceptis tradendis,** "if he does not give," or "without giving some instruction in regard to duty." The ablative of the gerund or gerundive is often thus used to indicate the circumstances accompanying the action of the verb of the sentence. Verg. Aen. II. 6 *Quis talia fando | temperet a lacrimis,* i. e. *dum fatur!* Ep. ad Att. IV. 1, 6 *cum continuo . . . plausum meo nomine recitando dedissent,* i. e. while my name was read, or at the reading of my name. See Nägelsbach, Latein. Stylistik, ed. 3, p. 100.

13, 7. bonorum et malorum finibus: In this phrase *finis* denotes "the highest point," "the greatest degree;" and it is used by Cicero, with other expressions such as *extremum, ultimum, summum,* to translate the Greek *τέλος*. *Bonorum finis* or *τέλος* is "the highest good," that which is to be desired for its own sake without reference to anything else, and to which all our actions are to be directed as a standard of right. Stob. Ecl. Eth. p. 278, Heer. *λεκτέον τέλος εἶναι οὗ χάριν πάντα πράττομεν, αὐτὸ δὲ οὐδενός.* The force of *Sed* at the beginning of the sentence is seen by referring to l. 18 *Hae disciplinae* etc. Having

just said that a man cannot call himself a philosopher unless he deals somewhat with the department of morals, he goes on: But still there are some schools which *ought* not to pretend to treat these questions, because by their definitions of the *summum bonum*, i. e. by the sort of standard which they set up, they really take away the very foundation of morality. De Fin. II. 11, 35 *ita tres sunt fines expertes honestatis, unus Aristippi vel Epicuri, alter Hieronymi, Carneadis tertius;* De Leg. I. 13, 39 *Perturbatricem autem harum omnium rerum Academiam, hanc ab Arcesila et Carneade recentem, exoremus ut sileat*, etc. Comp. also below III. 3, 12 and note. Acad. II. 43, 132 *Nam omnis ratio vitae definitione summi boni continetur, de qua qui dissident, de omni vitae ratione dissident.* We have in this sentence *propositis . . . finibus* (perf. part.), and in the preceding sentence *praeceptis tradendis* (gerundive). Halm, Cic. pro Mur. VIII. 17, thinks that the gerundive in that passage denotes repetition, and that the past part. would have indicated a single action. That difference may be seen in present passage.

13, 11. naturae bonitate, the innate disposition of human nature to what is good. De Fin. II. 15, 49 *recta natura, cui obsisti non potest.*—**13, 12. neque amicitiam colere possit** etc.: Three of the cardinal virtues, he says, would be impossible under these circumstances, justice, fortitude, and temperance; wisdom or prudence in some sense one might still cultivate.—**13, 13. fortis** and **temperans** are predicate adjectives after *esse potest;* **iudicans** and **statuens,** agreeing with the subject of *potest*, are in substance conditional; *si iudicat, fortis esse non potest.*

6 **13, 17. alio loco,** namely in De Fin. II. 12 ff., in the fourth book of the Disp. Tusc., and also below, III. 33, 117.

13, 20. coniuncta naturae = *naturae convenientia*, corresponding to the constitution of nature and to human reason, *ὁμολογούμενα φύσει.*—**13, 21. aut ab iis, qui solam, aut ab iis, qui maxime** etc.: The former are the Stoics, who held (Diog. Laert. VII. 89) *τὴν ἀρετὴν δι' αὑτὴν εἶναι αἱρετήν, οὐ διά τινα φόβον ἢ ἐλπίδα ἤ τι τῶν ἔξωθεν, ἐν αὐτῇ τε εἶναι τὴν εὐδαιμονίαν*; De Fin. III. 11, 36 *Stoicis, qui nihil aliud in bonorum numero nisi honestum esse voluerunt.* The latter are the old Academics and the Peripatetics; De Off. III. 3, 11 *sive, quod honestum est, id ita summum bonum est, quem ad modum Peripateticis vestris videtur, ut omnia ex altera parte collocata vix minimi momenti instar habeant.*

13, 22. Ita here means "accordingly;" De Fin. III. 18, 59

ita est quoddam commune officium sapientis et insipientis.—**13, 24. Aristonis**: Aristo of Chios, a disciple of Zeno, differed very much from his teacher. He considered ethics the only important part of philosophy, and limited very considerably its domain. He held that the root of all the virtues was health, or, according to Galen, the knowledge of good and evil, meaning probably a sound moral judgment; but by denying all differences between the *ἀδιάφορα*, and contending that nothing was of any value but absolute good, he left no room for practical morality, or, as Cicero says, no *dilectum rerum*. Plut. Virt. Mor. 2 *Ἀρίστων δὲ ὁ Χῖος τῇ μὲν οὐσίᾳ μίαν καὶ αὐτὸς ἀρετὴν ἐποίει καὶ ὑγείαν ὠνόμαζε*; Galen. Hippocr. et Plat. V. 5, Schl. S. 468 *κάλλιον οὖν Ἀρίστων ὁ Χῖος, οὔτε πολλὰς εἶναι τὰς ἀρετὰς τῆς ψυχῆς ἀποφηνάμενος, ἀλλὰ μίαν, ἣν ἐπιστήμην ἀγαθῶν τε καὶ κακῶν εἶναί φησιν.*—**Pyrrhonis**: Pyrrho, a native of Elis, was contemporary with Alexander the Great. He was a sceptic, and held that we can know nothing of the constitution of things, that, therefore, we can form no trustworthy opinions about them, and that the result of this mental attitude will always be that tranquillity, *ἀταραξία*, which leads to happiness. Right and wrong are therefore, according to him, matters of law and custom. Diog. Laert. IX. 61 *οὐδὲν γὰρ ἔφασκεν οὔτε καλὸν οὔτε αἰσχρὸν οὔτε δίκαιον οὔτε ἄδικον, καὶ ὁμοίως ἐπὶ πάντων, μηδὲν εἶναι τῇ ἀληθείᾳ, νόμῳ δὲ καὶ ἔθει πάντα τοὺς ἀνθρώπους πράττειν, οὐ γὰρ μᾶλλον τόδε ἢ τόδε εἶναι ἕκαστον.* Sext. Emp. Math. XI. 140 *οὔτε ἀγαθόν τι ἔστι φύσει οὔτε κακόν, ἀλλὰ πρὸς ἀνθρώπων ταῦτα νόῳ κέκριται κατὰ τὸν Τίμωνα.* —**Erilli**: Erillus of Carthage, also a pupil of Zeno, taught that knowledge was the highest good, *scientiam summum bonum esse nec rem ullam aliam per se expetendam* (De Fin. V. 25, 73); and Diog. Laert. VII. 165; but he taught also that among the *ἀδιάφορα* many things were desirable which he termed *ὑποτελίδες*, and these seem to have been substantially the same as the *προηγμένα* of the other Stoics; so that his divergence from pure Stoicism was not very great. He held *διαφέρειν τέλος καὶ ὑποτελίδα. τῆς μὲν γὰρ καὶ τοὺς μὴ σοφοὺς στοχάζεσθαι, τοῦ δὲ μόνον τὸν σοφόν*; that is, that the *τέλος*, or highest aim, *ἐπιστήμη*, is only such for the *sapiens*, the *ὑποτελίς* is such for the common man. On Erillus see Zeller, Gesch. der Phil. III.[3] 259; Hirzel, Untersuchungen zu Cicero's Philosophischen Schriften, II. Theil, p. 46.—**13, 25. qui . . . haberent, si . . . reliquissent**: Cicero, in speaking of the doctrines of philosophers, often uses a present tense, as

though they were still alive and teaching through their writings. De Nat. Deor. I. 10, 25 *Anaximandri autem opinio est;* § 28 *Nam Parmenides . . . efficit;* so in the sequence of tenses he often joins to this present a past tense; ibid. I. 22, 61 *Epicurus . . . quid dicit, quod non modo philosophia dignum esset, sed mediocri prudentia?* 15, 39 *fluerent atque manarent* depending on the present. So in the present passage *haberent* is present in sense.

13, 28. hoc quidem tempore et hac in quaestione: i. e. as an Academic at any other time and on any other question he holds himself at liberty to adopt the views of any other school. So Tusc. Disp. V. 11, 33 *nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi.* See Introd. § 8.—**13, 29. interpretes,** "translators" or "expounders" merely. Comp. De Fin. I. 2, 6 *Quid, si nos non interpretum fungimur munere, sed tuemur ea, quae dicta sunt ab iis, quos probamus, eisque nostrum iudicium et nostrum scribendi ordinem adiungimus?* Cicero gives his reasons for adopting the Stoic views in III. 4, 20; see also II. 2, 7.

7 **14, 1. Panaetio**: See Introd. §§ 28, 29.

14, 3. ratione means here "according to rule, order," "systematically;" Cic. Or. 33, 116 *in omnibus, quae ratione docentur et via, primum constituendum est, quid quidque sit;* Fin. II. 1, 3 *Omnis autem in quaerendo, quae via quadam et ratione habetur, oratio praescribere primum debet,* etc.

CHAPTER III.

14, 5. After **disputetur** some commentators think that a passage has been lost, because no definition of *officium* follows.

Cicero proposes to treat of practical morality, that is, of the *καθήκοντα* in the limited sense. Before defining this he hints at the general division of the whole subject into two parts, the first dealing with the question of the *finis bonorum*, and the second with morality proper; this occupies the rest of § 7. In the next section he notes the distinction between the *κατορθώματα* and the *καθήκοντα*, which certainly was in order, and at the end gives the necessary definition of *medium officium,* namely, *id, quod cur factum sit, ratio probabilis reddi potest.*

But Unger (Philol. Suppl. III. p. 14–18) considers as spurious the words in § 8 *Atque etiam alia . . . et perfectum,* and also *Atque ea sic definiunt . . . esse definiant;* and Heine brackets the whole section. Heine's reasons are: first, that supposing it to be gen-

uine it is strange that the author should not have referred to it in III. 3, 14, where he discusses the same division of duties; second, that § 9 is closely connected with § 7; third, that the whole section is a confused summary of III. 3, 14 or of De Fin. III. 17, 58; and that it is absurd to suppose that Cicero would have written so vaguely even when most careless.

Of course, if the section is cancelled, there is no definition of the subject-matter of the book, and we are tempted to assume that something has been lost, probably after *disputetur;* and this is one objection against cancelling it, for some definition is necessary. Then the third book shows in many parts evidences of the greatest haste; the author may have written the part in question (III. 3, 14) without recalling what he had written in the first book; moreover the absence of any mention in book third might be objected as well to the definition which is supposed to have been lost after *disputetur.* Further, the beginning of § 9, *Triplex igitur est, ut Panaetio videtur*, sounds very much as if Cicero had just been consulting, or had in mind, some other authority for the definition of duty, and then with *igitur*, l. 22, recurred to his especial subject, took up Panaetius again, mentioning him by name, and giving his threefold division. This would explain the connection with § 7.

The passage is certainly vague and awkward; but there are many carelessly written passages in the book, and we are inclined to consider it genuine, with the exception, perhaps, of *Atque etiam alia divisio est officii* at the beginning of § 8; the definition, however, seems to have been taken from some other author than Panaetius.

14, 6. finem bonorum: See note on p. 13, 7. The first portion of ethics, Cicero says, treats of the standard of right and wrong, which had already been fully discussed in the De Finibus. —**alterum, quod positum est in praeceptis** is the *παραινετική*, the portion of ethics giving practical rules of conduct. Some of the Stoics gave no attention to this; Aristo even declared that it was utterly useless, that sound common-sense, fortified by knowledge and right intentions, was sufficient. But after the time of Chrysippus the practical side was brought into greater prominence, and was gradually developed into a system of casuistry.

14, 9. omniane officia perfecta sint: This question relates to the difference between the *κατόρθωμα* and the *καθῆκον*, spoken of below, § 7, and in the Introduction, § 22. Aristo, for instance,

who denied that anything except the absolute good had any value, admitted, of course, no *media officia*, or duties relating to external good things, and the further question, *num quod officium aliud alio maius sit* had no meaning for him.—**14, 10. et quae sunt generis eiusdem,** "and questions of similar import."

14, 11. Quorum autem officiorum . . . ea, scil. *officia*. These are concerned (*pertinent*) with the *summum bonum*, because, in order to give a rule of action, one must know beforehand what the end and aim of all actions should be. But in dealing with particular cases this is assumed, and hence he says *minus id apparet*.—**14, 13. ad institutionem vitae communis**: De Off. III. 4, 15: *Haec igitur officia, de quibus his libris disserimus, quasi secunda quaedam honesta esse dicunt, non sapientium modo propria, sed cum omni hominum genere communia;* the duties of common life.

8 **14, 17. Perfectum officium,** Gr. κατόρθωμα. See Introd. § 21, 22. For the whole passage compare De Off. III. 3, 14; De Fin. III. 7, 24.—**14, 18. commune officium**: De Fin. III. 18, 59 *Ita est quoddam commune officium sapientis et insipientis; ex quo efficitur versari in iis, quae media dicamus;* compare also the preceding note. And for the definition in the next sentence, De Fin. III. 17, 58 *Est autem officium, quod ita factum est, ut eius facti probabilis ratio reddi possit.* Diog. Laert. VII. 62, 107 καθῆκον φασὶν εἶναι ὃ πραχθὲν εὔλογόν τιν' ἴσχει ἀπολογισμόν; Stob. Ecl. Eth. II. 158 ὃ πραχθὲν εὔλογον ἀπολογίαν ἔχει.

14, 19. sic definiunt, ut . . . definiant: Such tautology is common in definitions.

9 **14, 22. igitur** resumes the discussion, as based upon Panaetius, which was broken off at l. 2. It is often thus used; comp. § 6 *Hae disciplinae igitur;* De Fin. III. 14, 45 *recta effectio* (κατόρθωσιν *enim ita appello, quoniam rectum factum* κατόρθωμα), *recta igitur effectio, item convenientia . . . crescendi accessionem nullam habet;* for other instances see De Off. III. 5, 21; Brut. XLVIII. 177; Tusc. Disp. I. 36, 88.

14, 23. Nam aut introduces the first *deliberatio*, *Tum autem*, l. 26, the second, and *Tertium dubitandi genus*, l. 31, the third.—**14, 24. dubitant,** "discuss or consider on both sides." So Cic. pro Rosc. 31 *restat ut hoc dubitemus uter potius Sextum Roscium occiderit.*

14, 26. aut anquirunt aut consultant: *anquirere* is to search out all the reasons; *consultare*, to weigh them carefully. The two processes go together, and we should not expect the dis-

junctive *aut . . . aut ;* and these are all the more jarring because of the *aut* of the preceding sentence. Compare below, § 11, *an quirat et paret.*—**14, 28. facultates,** the means by which we acquire or control things.—**14, 31. in rationem utilitatis,** "under the head of utility;" so c. 22, 76 *ex domestica ratione.*

15, 1. rapere, "to snatch or draw away," i. e. from the *honestum*, as opposed to *revocare,* a milder term.—**15, 3. adferat,** sc. *ad deliberandum.*

10 **15, 4. praeterire aliquid**: Panaetius might have answered this criticism by referring to the Stoic dogma of the unity and equality of all the virtues. Cicero treats the whole subject in a practical way.

15, 9. rationem=*rem quatenus via et ordine tractatur.*

15, 10. Primum . . . tum . . . post; an unusual sequence; the common one is *primum, deinde, tum*, etc.

CHAPTER IV.

This chapter gives briefly the Stoic theory of the origin of our idea of right, *honestum.* Every living being is endowed by nature with the instinct of self-preservation, and the appetite for the reproduction of the species, and directs its efforts to satisfy these desires. Man is furthermore endowed with reason, by means of which he looks beyond the present moment, observes the connection of cause and effect; he desires society, knowledge, and power; observes the order and harmony in the general course of nature, which he strives to attain in the domain of thought and action; and thus he reaches the notion of the *honestum, τὸ καλόν, quod solum vi sua et dignitate expetendum est.* Comp. Introd. § 13; Diog. L. VII. 85; De Fin. III. 6, 20 ff.; II. 14, 45.

11 **15, 13. Principio,** "At the outset" of the investigation, not "in the beginning of all things."—**15, 14. se, vitam corpusque**: The last two define the first.

15, 17. Commune . . . est . . . adpetitus, instead of *Communis* etc.; so *omnium rerum mors extremum,* like the Greek construction.—**animantium** denotes all animate beings, which he afterwards divides into *hominem et beluam.*—**15, 22. adest . . . praesens est**: The latter reinforces the former; "what is at hand and before his eyes." So § 156 *vivi atque praesentes;* Tusc. Disp. IV. 7, 14 *praesens esse et adesse ;* De Fin. I. 17, 55 *nihil nisi praesens et quod adest.*—**se accommodat,** "adapts himself to," "acts according to."—**15, 25. praegressus et quasi antecessi-**

ones: *quasi* excuses the unusual word *antecessiones.* In De Fato, 18, 41, Cicero quotes from Chrysippus: *cum dicimus omnia fato fieri causis antecedentibus, non hoc intellegi volumus: causis perfectis et principalibus, sed causis adiuvantibus et proximis.* He perhaps means by *praegressus et antecessiones causarum* the operation of all the mediate causes, the *causae adiuvantes et proximae* of the passage just quoted, as distinguished from the *causae efficientes;* but more probably he intends only in a general way to indicate the chain of cause and effect. So De Fin. II. c. 14 *quae et causas rerum et consecutiones videat.* The main clause of the sentence is *homo . . . facile . . . videt;* the clauses from *quod* to *futuras* are dependent.

12 **15, 29.** Reason dictates the foundation of the family and of society, and from the existence of these is derived the virtue of *justice.* — **16, 1. coetus** denotes an assemblage of any kind; **celebrationes** =*frequentationes*, attendance upon such gatherings. But the whole expression here denotes "organized civil society." De Fin. III. 19, 63 *Itaque natura sumus apti ad coetus, concilia, civitates;* comp. Somn. Scip. c. 3 init. *Nihil est enim illi principi Deo, qui omnem mundum regit, quod quidem in terris fiat, acceptius quam concilia coetusque hominum iure sociati, quae civitates appellantur.* — **16, 3. cultum et . . . victum**: These words are often found together, the latter denoting the bodily sustenance and clothing, the former the supply of our higher needs.

13 **16, 6.** Reason prompts us to the search for truth, and from this comes the virtue of wisdom.

16, 9. cognitionem rerum aut occultarum aut admirabilium refers to the study of natural phenomena. Acad. II. 41, 127 *Indagatio ipsa rerum cum maximarum, tum etiam occultissimarum habet oblectationem;* and De Fin. II. 14, 46 *et quoniam eadem natura cupiditatem ingenuit homini veri videndi, quod facillime apparet, cum vacui curis etiam quid in caelo fiat scire avemus, his initiis inducti omnia vera diligimus, id est fidelia, simplicia, constantia.*

16, 13. With the acquisition of knowledge comes a desire of power; and hence arises the virtue which he calls *magnitudo animi*, fortitude.—**16, 15. bene informatus**=*bene formatus.* So De Am. 13, 47 *animi bene constituti;* Hor. Carm. II. 10, 14 *bene praeparatum pectus.*—**praecipienti**: The text is not quite certain. We should expect *aut praecipienti et docenti aut . . .*

imperanti; or *aut docenti aut . . . imperanti*, omitting *praecipienti*, which Sauppe, Bait. II. and Heine put in brackets. The sense is "either advising or commanding by virtue of law."—**16, 17. humanarum rerum,** i. e. *externarum*, outward circumstances. These are more particularly defined in c. 20, p. 36, 7, as *ea, quae eximia plerisque et praeclara videntur*, what the world generally calls prosperity, and *ea, quae videntur acerba, quae multa et varia in hominum vita fortunaque versantur*, the many and various ills of life.

14 **16, 18.** Last comes the virtue of temperance, based on the notion of order, propriety, and moderation; and from the beauty and harmony of what is seen by the eyes arises the idea of harmony in thought and deeds. So Plato says in the Symp. c. 28. De Fin. II. 14, 47 *cuius similitudine perspecta in formarum specie ac dignitate transitum est ad honestatem dictorum et factorum.* But still the *honestum* exists of itself; it is not a creation of our own minds; De Fin. III. 10, 34, *Hoc ipsum bonum . . . propria vi sua et sentimus et appellamus bonum;* Plato Symp. c. 29 *αὐτὸ καθ' αὑτὸ μεθ' αὑτοῦ μονοειδὲς ἀεὶ ὄν.*—**illa parva vis**: *parva vis est* etc. is the predicate, *illa* the subject, agreeing with *vis* by attraction, defined by the rest of the sentence, *quod unum* etc.—**16, 19. unum hoc animal sentit,** "this is the only being that perceives;" a common idiom.

16, 21. quae aspectu sentiuntur: The word *visibilis* was not in use in Cicero's time, and so he uses this circumlocution. But in Tim. c. 4 he uses *aspectabilis. aspectu* is here the sense of sight.—**16, 23. quam similitudinem** =*quarum rerum similitudinem;* De Nat. Deor. II. 10, 27 *quam similitudinem cernere possumus in iis aquis* (=*cuius rei simil.*).—**similitudinem . . . transferens;** and p. 15, 26 *similitudines comparat.* Strictly speaking, *things* are compared, *resemblances* are noted.—**natura ratioque** is a circumlocution for *homo*, and so the verbs *putat* and *cavet*, l. 26, can be employed as predicates.—**16, 28. lubidinose,** *libido, libet* convey the idea of acting according to one's fancy or impulse, not according to fixed principle.

16, 29. conflatur, "is brought about," "arises." So De Nat. Deor. II. 39, 100 *ut una ex duabus naturis conflata videatur.*—**16, 30. nobilitatum** = *multitudini probatum, quod multitudinis rumore laudatur.* He alludes to Epicurus, according to whom (De Fin. II. 15, 48) *Ut consuetudo loquitur, id solum dicitur honestum, quod est populari fama gloriosum;* and the contrary view is

(ibid. § 49) *non ob eam causam tamen illud dici esse honestum, quia laudetur a multis, sed quia tale sit, ut, vel si ignorarent id homines, vel si obmutuissent, sua tamen pulchritudine esset specieque laudabile.* A full definition of *honestum* is given in De Fin. II. 14, 45: *Honestum igitur id intellegimus, quod tale est, ut detracta omni utilitate sine ullis praemiis fructibusve per se ipsum possit iure laudari.* Compare also with the present passage De Fin. III. 5, 16 ff.

CHAPTER V.

15 **17, 1. Formam quidem** etc.: *Forma* denotes here the form, the outline, and is frequently applied to abstract ideas; *facies* is defined by Gellius, 13, 29, as *forma omnis et modus et factura quaedam corporis totius*, the general appearance. The quotation is from Plato, Phaedrus, c. 65 *Ὄψις ἡμῖν ὀξυτάτη τῶν διὰ τοῦ σώματος ἔρχεται αἰσθήσεων, ᾗ φρόνησις οὐχ ὁρᾶται· δεινοὺς γὰρ ἂν παρεῖχεν ἔρωτας, εἴ τι τοιοῦτον ἑαυτῆς ἐναργὲς εἴδωλον παρείχετο εἰς ὄψιν ἰόν*; Cicero says in De Fin. II. 16, 52 "*Oculorum*," *inquit Plato*, "*est in nobis sensus acerrimus, quibus sapientiam non cernimus. Quam illa ardentis amores excitaret sui!*" Plato is speaking of *sapientia*, while Cicero is speaking in our passage of the *honestum;* but the Stoics held that all the virtues were based upon *sapientia.* De Fin. III. 7, 25 *Sapientia enim et animi magnitudinem complectitur et iustitiam, et ut omnia, quae homini accidant, infra se esse iudicet.*

17, 4. omne, quod est honestum is here all right *action*, all performance of duty (the origin of the *idea* of *honestum* was treated in the last chapter); and it arises (*oritur*) from one of four parts. The expression is not very well chosen; the idea is that right actions fall under four categories; e. g. just actions proceed from the virtue of justice, etc. De Fin. V. 23, 66 *honestum aut ipsa virtus est, aut res gesta virtute.* In the next clause he changes the verb to *versatur*, "is concerned with," "is employed upon." The so-called four cardinal virtues are next described; *aut . . . sollertia* is *wisdom* or *prudence; aut . . . fide* is *justice; aut . . . robore* is *fortitude; aut . . . modo* is *temperance. Sapientia* or *prudentia, iustitia, fortitudo* and *temperantia* correspond to *σοφία* or *φρόνησις, δικαιοσύνη, ἀνδρεία* and *σωφροσύνη.* On the division of the virtues see Introduction, § 19.

17, 11. inter se colligata, as being all involved in *sapientia, σοφία*, having all the same end, all springing from the right intention, and because, according to the Stoics, a person who pos-

sesses one possesses all. See Introd. § 20.—**17, 14. inest indagatio** etc.: After *ex ea parte*, two lines before, we should expect *oritur* or *nascitur;* but the construction is changed in consequence of *in qua ponimus.*

16 **17, 15. Ut . . . quisque . . . perspicit, . . . quique . . . potest, . . . is . . . solet**: The construction changes at *quique . . . potest,* and to this corresponds the main clause, *is . . . solet.*

17, 19. huic, scil. *parti* or *virtuti* from l. 13 or l. 15.

17 **17, 21. Reliquis autem tribus virtutibus** etc.: The language here is not clear, but the sense of the section is: The remaining three virtues are exercised in the actions of common life; while the first, *sapientia,* deals with speculative truth. For the division of the virtues into theoretical and practical, attributed to Panaetius, see Introd. § 29. In Partit. Orat. 22, 76 Cicero lays down the same division: *Est igitur vis virtutis duplex; aut enim scientia cernitur virtus aut actione. Nam, quae prudentia, quae calliditas quaeque gravissimo nomine sapientia appellatur, haec scientia pollet una;* then follow the others, *Atque hae quidem virtutes cernuntur in agendo.* In the present passage *ut et societas . . . servetur* refers again to the virtue of *iustitia; animi excellentia . . . eluceat* to *fortitudo.*

17, 26. Ordo, the sense of order, **constantia,** consistency of action, and **moderatio,** moderation, are all contained in the idea of temperance. The Latin had no word exactly corresponding to the Greek σωφροσύνη; Cicero uses various terms; see §§ 14 and 93.

CHAPTER VI.

18 **17, 32.** The Stoics, in general, made a distinction between *σοφία,* wisdom, the foundation of all the virtues, and *φρόνησις,* prudence, as dealing with the practical conduct of life. The latter is defined (Stob. Ecl. Eth. II. 102) as *ἐπιστήμη ὧν ποιητέον καὶ οὐ ποιητέον καὶ οὐδετέρων ἢ ἐπιστήμη ἀγαθῶν καὶ κακῶν καὶ οὐδετέρων.* It is exercised in judging of right and wrong actions; ibid. 104 *καὶ τὴν μὲν φρόνησιν περὶ τὰ καθήκοντα γίγνεσθαι.* In § 153 of this book Cicero recognizes this distinction, translating *σοφία* by *sapientia,* and *φρόνησις* by *prudentia,* or *rerum expetendarum fugiendarumque scientia.* In the present chapter the distinction is ignored. The examples given of the exercise of the virtue seem to show that he has in mind *sapientia,* the *rerum divinarum et humanarum causarumque scientia* (II. 2, 5); at the end, *omnis autem cogitatio,* etc., he alludes to the exercise of the

virtue in common life. In the preceding chapter, p. 17, 5, *perspicientia veri* may perhaps refer to *σοφία*, and *sollertia* to *prudentia;* and in p. 17, 13 we find *sapientiam et prudentiam* included in the first virtue.—**17, 32. naturam vimque**: The words are often joined to denote "the essence" of a thing.—**18, 2. naturam attingit humanam,** "concerns" or "is peculiar to human nature." This is illustrated by a phrase in § 50, where he is speaking of justice as peculiar to men in contrast to the brute creation, because they are *rationis et orationis expertes.* Comp. c. 15, 46 *Illae virtutes virum bonum videntur potius attingere;* II. 21, 72 *partim eius modi sunt, ut ad universos cives pertineant, partim, singulos ut attingant.*

18, 4. labi is "to fall, to make a mistake," *errare* "to wander about without a certain aim."

18, 8. temere, "at random," without sufficient thought. De Nat. Deor. I. 1, 1 *quid tam temerarium tamque indignum sapientis gravitate atque constantia quam aut falsum sentire aut, quod non satis explorate perceptum sit et cognitum, sine ulla dubitatione defendere?*

19 **18, 10. Alterum** corresponds to *unum* of the last sentence; but the construction is changed, *Alterum est.*—**18, 12. res obscuras et difficiles,** as, for instance, the question of the origin of things, and the like.—**18, 13. easdemque,** "and at the same time;" a common Latin idiom when an additional qualification is added with some emphasis.

18, 14. quod . . . operae, "whatever labor," etc. *quod* is somewhat unusual in this construction; comp. below p. 62, 6 *quod acerbitatis;* III. 16, 67 *quod vitii.*—**18, 15. in astrologia,** i. e. *in astronomia;* **C. Sulpicium,** scil. *fecisse.* C. Sulpicius Galus, praetor in B.C. 169, served as legate to L. Aemilius Paulus in the Macedonian war in 167, and was consul in 166. He predicted an eclipse of the moon on the day before the battle of Pydna, when King Perses was overthrown. De Senect. 14, 49 *mori videbamus in studiis dimetiendi paene caeli atque terrae C. Galum, familiarem patris tui, Scipio; quotiens illum lux noctu aliquid describere ingressum, quotiens nox oppressit, cum mane coepisset! quam delectabat eum defectiones solis et lunae multo ante nobis praedicere!*—**18, 16. geometria,** i. e. mathematics, as in III. 7, 33; so Tusc. Disp. I. 2, 5 *in summo apud illos honore geometria fuit, itaque nihil mathematicis illustrius.*—**Sex. Pompeium,** uncle of Pompey the Great. Brutus 47, 175 *Sextus, frater eius, praestantissimum*

ingenium contulerat ad summam iuris civilis et ad perfectam geometriae et rerum Stoicarum scientiam.—**18, 17. dialecticis**: Cic. de Orat. II. 38, 157 *artem se tradere bene disserendi et vera et falsa diiudicandi, verbo Graeco* διαλεκτικὴν *appellatam.*—**18, 19. cuius studio**: Comp. c. 43, § 153 *Etenim cognitio contemplatioque naturae manca quodam modo atque inchoata sit, si nulla actio rerum consequatur.*

18, 22. reditus: The plural of an abstract noun often denotes occasions for the manifestation of the feeling or quality denoted by the noun.—**agitatio mentis**, the ordinary, natural activity of the mind. So above, p. 17, 29.—**18, 23. sine opera nostra**, without our making them special objects of study.

CHAPTER VII.

20 In §§ 20–41 Cicero discusses the second virtue, justice, which he divides into *iustitia* and *beneficentia*. Diog. Laërt., VII. § 126, gives the same division into ἰσότης and εὐγνωμοσύνη. Stob., Ecl. Eth. p. 103 fin., defines δικαιοσύνη as ἐπιστήμην ἀπονεμητικὴν τῆς ἀξίας ἑκάστῳ; and he includes under it εὐσέβειαν, χρηστότητα, εὐκοινωνησίαν, εὐσυναλλαξίαν. Cicero omits in the discussion our duty to God, εὐσέβειαν, although in § 160 he ranks as first of all the duty *dis inmortalibus*.

18, 29. latissime patet: See note p. 12, 29.—**ratio** = *pars, locus, res*, not "relation."—**18, 30. quasi**, "so to speak," is perhaps employed because *communitas* was an unusual word, at least in other authors.—**18, 32. splendor maximus**: Aristotle says, Eth. Nic. V. 1, 15 πολλάκις κρατίστη τῶν ἀρετῶν εἶναι δοκεῖ ἡ δικαιοσύνη, καὶ οὔθ' ἕσπερος οὔτε ἑῷος οὕτω θαυμαστός· καὶ παροιμιαζόμενοί φαμεν "ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ' ἀρετή 'στιν." —**viri boni nominantur**, "good men have their name." So II. 11, 38. "*vir bonus*" in politics is either the patriot or the aristocrat (De Leg. III. 9, 20 *quid iuris bonis viris Ti. Gracchi tribunatus reliquit?*); in law, the man of sterling honor, of whose uprightness there is no ground for suspicion (II. § 38; III. § 77); in philosophy, the righteous man, the wise man (Tusc. Disp. V. 10, 28 *omnibus enim virtutibus instructos tum sapientes tum viros bonos dicimus*). But occasionally the term denotes the honest and well-meaning, but uneducated man, as in II. § 2 *ne quibusdam bonis viris philosophiae nomen invisum sit;* De Leg. I. 7, 21 *te caput viri optimi prodidisse.*—**19, 2. appellari**: The active infinitive could have been used as well.

19, 3. nisi lacessitus iniuria: The same exception is made in III. 19, 76.—**19, 4. communibus pro communibus,** i. e. in a way that may not prevent others from enjoying an equal benefit from them. *Communia*, in the legal sense, are air, running water, the sea and the shore, rivers, harbors, etc. (Iustinian. Inst. lib. II. tit. 1); but in § 52 Cicero includes under *communia* the use of fire, giving faithful counsel to another; and in § 53 the forum, temples, *porticus*, roads, etc., which in law were said *universitatis esse* (ibid. tit. 1, § 6), to belong to the community; such were also the theatres, stadia, fountains, and the like. In the present passage the word seems to be used in a very general way to include all those things of which the use is free to all; in l. 12, however, it is evidently taken in the legal sense of things in which the property can be acquired by taking possession.—**19, 5. ut suis** = *ut privatis; suis* referring to the subject of *utatur*, supplied from *quis* in l. 3.

21 **19, 5. privata nulla natura,** i. e. the institution of property in things rests on law and custom. **occupatio** denotes here the taking possession of things which had before belonged to no one; **lege** refers, perhaps, to the assignment of lands to colonies or towns by especial law; **pactione** is contract, bargain; **condicione,** agreement (although it is not clear in what sense it is used here); **sorte,** lot, by which land was distributed to individual colonists or veterans. Cic. Ep. ad Fam. XI. 20, 3 *aequaliter aut sorte agros legionibus assignari puto oportere.* In case the heirs under a will were unable to agree in the division of the property lots were sometimes drawn to decide the matter.—**19, 9. Arpinas Arpinatium:** The *ager Arpinas* belonged to the town as a corporation, as also the *ager Tusculanus.*—**19, 10. discriptio** is the marking out, the distinction.

19, 11. eorum is a partitive genitive depending on *aliquid* or the like understood, the subject of *fit.* Comp. II. 21, 72 *Eorum autem ipsorum partim eius modi sunt, ut* etc. Baiter and Heine put a comma also after *fit;* in that case *eorum* depends on *quod cuique obtigit.*—**19, 13. si quis sibi appetet,** "if any one seeks to appropriate to himself anything;" the Latin future for our present.

22 **19, 14. a Platone,** Ep. IX. ad Archyt. p. 358 A *ἕκαστος ἡμῶν οὐχ αὑτῷ μόνον γέγονεν, ἀλλὰ τῆς γενέσεως ἡμῶν τὸ μέν τι ἡ πατρὶς μερίζεται, τὸ δέ τι οἱ γεννήσαντες, τὸ δὲ οἱ λοιποὶ φίλοι.*—**19, 15. ortusque;** *que* is adversative = *sed;* comp. § 92 *potiusque.*—**19, 18. omnia creari** depends on *placet*, the construction being

changed; we should expect *atque, ut placet* etc. . . . *omnia creantur . . . generantur.* So De Rep. I. 37, 58 *Si, ut Graeci dicunt omnis aut Graios esse aut barbaros, vereor*, etc.; Verr. IV. 19, 40 *et tum primum, ut opinor istum absentis nomen recepisse.* For the subject-matter comp. De Fin. III. 20, 67 *Praeclare enim Chrysippus, cetera nata esse hominum causa et deorum, eos autem communitatis et societatis suae.* But Seneca, De Ira, II. 27, 2, says *nimis nos suspicimus, si digni nobis videmur propter quos tanta moveantur.*—**19, 19. inter se aliis alii:** Comp. for the tautology De Nat. Deor. I. 43, 121 *ut . . . ipsi di inter se ab aliis alii neglegantur.*

23 **19, 27. Stoicos, qui studiose exquirunt:** The absurd derivations of the Stoics are ridiculed in De Nat. Deor. III. 24, 62 *quid vos* (scil. *Stoicos*) *illa delectat explicatio fabularum, et enodatio nominum? in enodandis autem nominibus, quod miserandum sit, laboratis; Saturnus, quia se saturat annis, Mavors, quia magna vortit*, etc. The derivation of *fides* here given might be added to the list.—**19, 28. quia fiat, quod dictum est:** So in De Rep. IV. 7, 7 he says *Fides enim nomen ipsum mihi videtur habere, cum fit, quod dicitur.*

19, 32. Nam qui iniuste etc.: This passage is not quite clear, and is variously understood by the commentators. Cicero apparently says that a man who, under the influence of passion, makes an attack upon another, seems to lay hands, so to speak (*quasi*), upon a fellow-member of society (*socio*); but he who does not interfere to prevent an injury being done to another, is as much at fault as if he deserted his parents, friends, or his country. If this be the right interpretation, the person who suffers an injury to be done to another is to be considered as more guilty than one who actually inflicts an injury. The doctrine is somewhat questionable, even if full weight is given to the qualification on p. 20, 1 *aut ira aut aliqua perturbatione incitatus.* There was, however, according to Diodor. Sicul., lib. I. c. 77, § 3, a law among the Egyptians εἴ τις ἐν ὁδῷ κατὰ τὴν χώραν ἰδὼν φονευόμενον ἄνθρωπον ἢ τὸ καθόλου βιαιόν τι πάσχοντα μὴ ῥύσαιτο δυνατὸς ὤν, θανάτῳ περιπεσεῖν ὤφειλεν. There is some question whether *tam . . . quam*, p. 20, 4, are to be taken for "as much . . . as," or "as well . . . as," i. e. as expressing degree or parallelism. The former seems probable from the passage De Fin. III. 19, 64 *Nec magis est vituperandus proditor patriae quam communis utilitatis aut salutis desertor propter suam utilitatem*

aut salutem. Cicero holds that duty to one's country takes precedence of all others.—**20, 3. defendit,** scil. *iniuriam.*—**20, 4. est in vitio,** "is in fault;" corresponding exactly in this instance to our English expression. But the Latin says *in laude esse*, "to be praiseworthy;" so c. 14, § 42 *in eadem sunt iniustitia;* 15, 47 *est in officio.*

24 **20, 5. illae quidem iniuriae,** the former of the classes mentioned in the preceding sentence. These are often (*saepe*) inflicted, he says, to prevent some one else from injuring us; but (*Maximam partem*) in the greatest number of cases the object is to gratify our desires.

20, 8. Maximam partem = *maxima ex parte*, an extension to the common language of the Greek construction.—**20, 9. adgrediuntur,** sc. *homines.*—**20, 11. vitio** must here mean those forms of wrong-doing just mentioned, namely *ut adipiscantur* etc.

CHAPTER VIII.

25 **20, 12.** The unjust pursuit of riches and power. **Expetuntur autem divitiae**: Some commentators find here a fourfold division of the reasons for the pursuit of wealth; *ad usus vitae necessarios; ad perfruendas voluptates; ad opes et ad gratificandi facultatem; Delectant etiam magnifici apparatus* etc. But the division seems rather twofold—into the necessities and the luxuries of life; only, says Cicero, these are very different for different persons. Men of greater ambition seek money to gain influence and attach others to their interests; Crassus, for example, found it impossible to get on without enough to support an army.

20, 14. pecuniae denotes property in general, not coined money alone.—**20, 15. opes** is influence, **gratificandi facultatem** is the ability to do favors, here especially pecuniary favors, to distribute largesses, etc.—**nuper,** "lately," at least ten years before, because Crassus fell in the year of the city 701, fighting against the Parthians. But its meaning varies according to the connection; in De Nat. Deor. II. 50, 126 *nuper, id est paucis ante saeclis. modo* is more recent than *nuper;* Cic. Verr. II. 4, 3, § 6 *nuper, et quid dico nuper? immo vero modo, ac plane paulo ante vidimus.*—**M.** *Licinius* **Crassus,** surnamed *Dives*, triumvir, son of P. Crassus, consul in 656. Comp. De Fin. III. 22, 75; Parad. VI. § 45; Plutarch, Crassus, c. 1, 2; Plin. Hist. Nat. XXXIII. 10, 47.

20, 18. magnifici apparatus: This includes houses, furniture,

works of art, etc., and comes under the head of *voluptates* at the beginning of the section.—**20, 19. cultus cum elegantia et copia** is for *cultus elegans et copiosus* after a common idiom. So § 27 *brevis et ad tempus;* § 40 *interitus cum scelere;* Tusc. Disp. II. 3, 7 *lectionem sine ulla delectatione.*

20, 21. nemini nocens contains a condition: "provided it is injurious to no one."

26 **20, 25. apud Ennium:** So Lucan. I. 92 *Nulla fides regni sociis omnisque potestas Impatiens consortis erit.*—**20, 26. sancta** is the epithet of *societas*, not the predicate.

20, 31. Declaravit id modo: Caesar had been assassinated in the spring of the year in which this book was written. In III. 21, 83 Cicero shows how perverted was the moral sense of Caesar, and he often refers to him in the present treatise. He here ascribes his unprincipled course to *temeritas*, recklessness, inconsiderate action, coming from the false ideal he had formed of a *principatus*, a supreme autocratic power for himself; an *adpetitio quaedam principatus*, a reasonable desire for power, is in § 13 mentioned among the innate desires.

21, 2. molestum, "troublesome;" "the difficulty in this matter is," etc.—**maximis . . . ingeniis:** Plato says in De Rep. lib. VI κακίας μεγάλας, ὥσπερ ἀρετάς, αἱ μεγάλαι φύσεις ἐκφέρουσιν.

27 **21, 8. consulto et cogitata:** The adverb and the adjective together. Comp. § 136 *ad hoc genus castigandi raro invitique veniemus;* Ep. ad Fam. VII. 22 *bene potus seroque redieram.* This combination is especially common in later Latin.

CHAPTER IX.

28 **21, 12. deserendi officii** explains *Praetermittendae defensionis;* "of failing to prevent injury, and so (*que*) of neglecting duty."—**21, 13. nam aut** corresponds to *aut etiam;* the other uses of *aut* before *laborem*, *sumptus*, and *suis*, l. 15, are subordinate.

21, 17. videndum est, ne non satis sit id, etc., lit. "we must take care (=*cavendum est*) lest that be not enough" which Plato said, etc., we must see whether what Plato says is not insufficient to meet the case. So Cic. pro Cluent. 35 *vide ne mea coniectura sit verior*, "take care lest," or "see whether . . . not."—**21, 18. Platonem:** The allusion is to De Rep. VI. p. 485 f.—**in philosophos,** "in regard to the philosophers," not "against" them. Brut. 43, 160 *Exstat in eam legem senior . . . quam illa aetas ferebat oratio;* ibid. 164 *illa in legem Caepionis oratio;* De Orat. II. 86, 352 *id*

carmen, quod in eum scripsisset. In this sense the ablative with *in* is more frequent; Tusc. Disp. III. 26, 62 *hinc ille Agamemno Homericus . . . in quo facetum illud Bionis*, etc.—**21, 19. quod . . . putent** depends on *propterea iustos esse.*—**21, 21. digladiari,** a Ciceronian word. Perhaps Cicero meant thus to translate Plato's *σκιαμαχεῖν.* De Rep. VII. 5 *ὡς νῦν αἱ πολλαὶ (πόλεις) ὑπὸ σκιαμαχούντων τε πρὸς ἀλλήλους καὶ στασιαζόντων περὶ τοῦ ἄρχειν οἰκοῦνται.*

21, 22. Nam . . . deserunt is bracketed by Unger and Baiter II., and the text is very doubtful; for the variation of our text from that of Müller, see the Adnotatio Critica at the end of the volume.

21, 25. ne . . . quidem, from the position, emphasizes *ad rem publicam,* although it is difficult to see why it should be so. In §§ 57, 58, below, the duty to one's country is said to have the first claim on us. Here the sense probably is that the philosophers would not attend even to their public duties, the highest of all; but the text is not quite certain. The passage from Plato is in De Rep. p. 347 C *δεῖ δὲ αὐτοῖς ἀνάγκην προσεῖναι καὶ ζημίαν, εἰ μέλλουσιν ἐθέλειν ἄρχειν.*

21, 26. Aequius autem erat etc.: It would be better if this participation in public affairs happened voluntarily; for *hoc ipsum, quod recte fit,* i. e. an action formally right, is *iustum,* completely right, only on this condition (*ita*), that (*si*) it be accompanied by a right intention.

29 **21, 30. nec . . . videantur,** scil. *sibi,* "and do not seem to themselves;" they say that they are occupied with their own affairs, and do not imagine that they are wronging any one else.

21, 31. altero genere iniustitiae vacant, i. e. *non inferunt iniuriam,* **in alterum incurrunt,** i. e. *non propulsant ab iis, quibus infertur.*

22, 3. Quando igitur, "Since now;" *quoniam* is more frequent in this sense.—**22, 6. temporis,** "occasion," "circumstances."

30 **22, 8. Chremes,** in the Heautontimoroumenos of Terence (I. 1, 25), thought nothing that concerned his fellow-men *a se alienum:* "*Homo sum; humani nihil a me alienum puto.*"

22, 13. Quocirca bene praecipiunt: So Pliny, Epist. I. 18 *si tutius putas illud cautissimi cuiusque praeceptum "quod dubitas ne feceris," id ipsum rescribe.* *Quocirca* sums up the result of the foregoing.

22, 16. cogitationem . . . iniuriae involves the idea of de-

sign. Comp. § 24 *qui nocere alteri cogitat*, "he who forms the design of injuring another."

CHAPTER X.

31 **22, 18. iusto homine . . . virum bonum**: See note on p. 18, 32.—**22, 21. migrare** is used here in an active sense, "to go beyond, transgress." De Fin. III. 20, 67 *qui id* (*ius civile*) *conservaret, eum iustum; qui migraret, iniustum fore.*

22, 25. Ea . . . commutantur: *Ea* refers grammatically to *fundamenta iustitiae*, l. 23. Yet it is not these that are changed by circumstances; but circumstances may be different, and so may change the tendency of an action, and then *officium* may vary.

32 **22, 26. Potest . . . accidere . . . ut**: The construction is confused. He might have said *Potest accidere promissum . . . quod effici sit* etc.; but having in mind *accidere*, he introduces the clause with *ut*, the usual construction with that word; as the sentence stands, *ut sit* must depend on *tale* or *eius modi* understood. Comp. § 159 *non potest accidere tempus, ut intersit rei publicae quicquam illorum facere sapientem.*

22, 29. in fabulis: The myths are very often quoted by way of illustration. The story of Phaedra and Hippolytus is told in Ovid. Metam. XV. 497, etc.; Hygin. Fab. 47. The scholiast on Eurip. Hippol. 1349 says *εἰσὶ δὲ αἱ εὐχαὶ Θησέως πρὸς Ποσειδῶνα τρεῖς, πρῶτον ἀνελθεῖν ἐξ ᾅδου, δεύτερον ἐκ λαβυρίνθου, τρίτον Ἱππολύτου θάνατος. Tria a Neptuno optavit Theseus: primum ut ab inferis rediret, deinde ut a Labyrintho exiret, denique ut Hippolytus interiret.* Comp. III. § 94.—**hoc erat tertium, quod . . . optavit**: A tautology; lit. "this wish was the third, which he wished concerning the death of Hippolytus," instead of "the third wish was the death of Hippolytus."

23, 1. Nec promissa igitur servanda . . . inutilia: This principle would hardly command general assent, and has nothing to do with the example given in l. 4, which falls under the rule next stated (*nec . . . minori*), that the greater duty should take precedence of the less important one.—**23, 4. constitueris**, "shall have made an appointment." *si constitueris* is followed by the apodosis *non sit contra officium*, where *sit* does not depend on *ut*, which has the meaning of "as, for example."—**23, 5. advocatum**: *advocati* were persons who attended a trial to assist a friend with their advice or presence.—**in rem praesentem** *venire*

is "to come to the actual spot" where anything is in question, or "to come to the trial of a case." De Orat. I. 58, 250 ***si de finibus, cum in rem praesentem non venimus, controversia est;*** Sen. Ep. VI. 5 ***in rem praesentem venias oportet, quia homines amplius oculis quam auribus credunt;*** Sen. De Ben. IV. 35, 2 ***promisi advocationem . . . in rem praesentem venturus fui, sed aeger filius et puerpera uxor tenet.***

23, 11. iure praetorio: This is explained in the Digest, I. 1, 7, ***ius praetorium, quod praetores introduxerunt adiuvandi, vel supplendi, vel corrigendi iuris civilis gratia; quod et honorarium dicitur;*** a body of decisions on cases not coming under any provision of law, designed to supplement the legislative enactments, corresponding to our "equity."—**23, 12. legibus,** the laws actually existing.—**liberantur,** properly said of persons, is here used of promises = ***rescinduntur.***

33 **23, 13. calumnia** is "chicanery," "trickery." **et** adds the explanation of ***calumnia.*** **sed,** "and in fact," adds here a stronger expression; the ***interpretatio*** is not only too ingenious, but it is even a malicious one. When ***sed*** is thus used, it is generally accompanied by ***etiam.*** Ep. ad Fam. XIII. 64, 2 ***hoc in genere si eum adiuveris, apud ipsum praeclarissime posueris, sed mihi etiam gratissimum feceris;*** Suet. Cal. XVI. 20 ***ex testamento Tiberii, sed et Liviae Augustae.***

23, 15. Summum ius etc.; Supply ***est,*** as often in proverbial expressions. Terence, Heaut. IV. 5, 47, has it ***ius summum saepe summast malitia.*** Cic. pro Caecina, 24, 65 (***dicunt***) ***scriptum sequi calumniatoris esse; boni iudicis voluntatem scriptoris auctoritatemque defendere;*** and Menander. ap. Stob., tit. 42, ***καλὸν οἱ νόμοι σφόδρ' εἰσίν, ὁ δ' ὁρῶν τοὺς νόμους λίαν ἀκριβῶς συκοφάντης φαίνεται.***

23, 17. in re publica, in matters between different nations.—**ut ille**: The story is told by Plutarch, Apophthegm. Lacon. p. 223 A, of the Spartan king Cleomenes, who thus deceived the Argives.

23, 20. noster quidem: Naturally ***Q. Fabius Labeo*** would be the subject of ***est probandus;*** instead of which it is put in the accusative with the infinitive depending on ***verum est. Labeo,*** consul in 571, is mentioned as an orator in Brut. 21, 81.—**23, 22. praeter auditum,** "beyond what I have heard;" ***auditum*** is here a participle, not a substantive.—**23, 23. ad locum** = ***in rem praesentem*** as Valer. Max. VII. 3, 4 says, who gives the story in

almost the same words.—**22, 25. adpetenter,** a rare word, like *furenter*, *profluenter*.

23, 30. Quocirca, "Wherefore," "Accordingly," introduces the conclusion drawn from the preceding example.

CHAPTER XI.

24, 2. haud scio an, "I am inclined to think that," etc. Doederlein (Rhein. Mus. VI. p. 479) remarks on the looseness of the statement here made. The repentance of one who has done an injury might prevent his doing it again, but would not necessarily deter others. The thought would be complete if *atque haud scio . . . paenitere* were suppressed. Comp. Plato, Gorg. 525 B *προσήκει δὲ παντὶ τῷ ἐν τιμωρίᾳ ὄντι, ὑπ᾽ ἄλλου ὀρθῶς τιμωρουμένῳ, ἢ βελτίονι γίγνεσθαι καὶ ὀνίνασθαι, ἢ παραδείγματι τοῖς ἄλλοις γίγνεσθαι, ἵνα ἄλλοι ὁρῶντες πάσχοντα ἃ ἂν πάσχῃ, φοβούμενοι βελτίους γίγνωνται*; and Seneca de Clem. I. 22 *haec tria lex secuta est, quae princeps quoque sequi debet: aut ut eum, quem punit, emendet, aut ut poena eius ceteros meliores reddat, aut ut sublatis malis securiores ceteri vivant.* Cicero does not reach the height of loving one's enemies; but the examples here cited are those of public enemies.—**ut et ipse ne quid,** scil. *faciat.*

34 **24, 7. disceptationem,** "discussion."—**24, 9. si** here = "only on condition that."

35 **24, 10. ut sine iniuria** etc.: The doctrine sounds strange in the mouth of a Roman. Plato, De Leg. lib. I. p. 628, says *νομοθέτης ἀκριβής, εἰ μὴ χάριν εἰρήνης τὰ πολέμου νομοθετοῖ μᾶλλον ἢ τῶν πολεμικῶν ἕνεκα τὰ τῆς εἰρήνης*; and in Liv. IX. 1 C. Pontius, the Samnite, says *iustum est bellum, quibus nulla nisi in armis relinquitur spes.*—**24, 13. Tusculanos**: The inhabitants of Tusculum were admitted to the *civitas Romana* in B.C. 381.—**Aequos,** etc.: Liv. IX. 45 says *unum et triginta oppida . . . oppugnando ceperunt, quorum pleraque diruta atque incensa nomenque Aequorum prope ad internecionem deletum;* the date was B.C. 304. The Sabines were admitted to a partial *civitas* in B.C. 290, to the complete *civitas* in B.C. 268. A part of the Volscians obtained the *civitas sine suffragio* in B.C. 303, the full franchise in 188.—**24, 15. nollem Corinthum,** "I should have wished Corinth not destroyed," "I wish that they had not destroyed Corinth."—**24, 16. aliquid secutos,** "that they had some particular end in view." In III. 11, 46 he says that it was done *utilitatis specie;* De Leg. Agr. II. 32, 87 *Corinthi vestigium vix relictum est. Erat enim po-*

sita in angustiis atque in faucibus Graeciae sic, ut terra claustra locorum teneret et duo maria, maxime navigationi diversa, paene coniungeret, etc.; Mommsen, Röm. Gesch. II. p. 48, shows that commercial rivalry was the real reason; and Florus, II. 16, 1, says *Haec (facinus indignum!) ante oppressa est, quam in numerum certorum hostium referretur.*

24, 20. si mihi esset optemperatum: He alludes to his efforts to keep the peace between Caesar and Pompey. Ep. ad Fam. IV. 1. 2. 3; VII. 3; XVI. 11, 12; Philip. II. 10, 15.—**24, 21. quae nunc nulla est**: *nulla* = a strong *non*. So Ep. ad Fam. IV. 1, 2 *Res vides quo modo se habeat; orbem terrarum imperiis distributis ardere bello; urbem sine legibus, sine iudiciis, sine iure, sine fide relictam direptioni et incendiis;* because Antonius seemed to aim at taking the place of Caesar.

24, 24. quamvis murum aries percusserit: Generally when the battering-ram touched the walls of a city the time for negotiations came to an end. Caes. B. G. II. 32 *Caesar respondit (Aduaticis) se magis consuetudine sua quam merito eorum civitatem conservaturum, si prius quam murum aries attigisset se dedidissent.*

24, 27. patroni: Aemilius Paulus and his descendants were *patroni* of the Macedonians, the Fabii of the Allobroges (Sall. Cat. 41), the Marcelli of the Sicilians, M. Cato of the Cyprians, the Scipios of the African provinces.

36 **24, 27. belli aequitas** is the law of war; as in De Dom. 1, 2 *aequitas humana* is human law.—**24, 28. fetiali iure,** the customs observed by the *fetiales* in the exercise of their duties. Cic. De Rep. II. 17, 31 (*Tullus Hostilius*) *constituit ius, quo bella indicerentur, quod per se iustissime inventum sanxit fetiali religione, ut omne bellum, quod denuntiatum indictumque non esset, id iniustum esse atque inpium iudicaretur.*

24, 30. rebus repetitis: *Res repetere* was the term for the formal demand of satisfaction made upon the enemy by the heralds. The institution of the ceremony is described in Liv. I. 32.

24, 31. Popilius . . . movendo: This whole passage is evidently an interpolation, a sort of comment on what follows; by cancelling it the connection of thought is restored.

37 **25, 8. M. quidem Catonis**: The same story is told by Plut. Quaest. Rom. 39.—**25, 10. cum . . . miles esset**: *esset* is in the subjunctive, as if *cum . . . esset* were a part of the contents of the letter; it really only indicates the time when the letter was writ-

ten.—**bello Persico,** "the war with Perses," the last king of Macedonia, ended by Aemilius Paulus in B.C. 168.

CHAPTER XII.

25, 13. quod . . . vocaretur gives the reason of the fact contained in the infinitive clause *lenitate . . . mitigatam*, which itself depends directly on *animadverto*, or, rather, is in apposition with *illud*. — **25, 14. perduellis** was mostly anteclassical for *hostis*, which at first meant only "a stranger," "a foreigner." Dig. 50, 16, 234 *quos nos hostes appellamus, eos veteres perduelles appellabant*, etc.

25, 17. STATUS DIES CUM HOSTE, "a day appointed with a stranger for a judicial proceeding." Fest. p. 194 *status dies vocatur qui iudicii causa est constitutus cum hoste.* Aul. Gell. XVI. 4 *militibus autem scriptis dies praefinibatur, quo die adessent et citanti consuli responderent: deinde concipiebatur iusiurandum, ut adessent his additis exceptionibus . . . funus familiare . . . vis hostesve, status condictusve dies cum hoste;* if a person had such an appointment with a stranger, he was not obliged to appear on the assembling of the military levies.—**25, 18. AETERNA AUCTORITAS:** *Auctoritas*, as applied to property, is equivalent to the legal ownership. This clause from the twelve tables provided that no adverse possession, no matter how long continued, by a foreigner vested in him any right of property, as it would have done in a *civis*. So under the same circumstances the owner of a thing stolen or taken by violence never lost the *auctoritas*, even though the actual possessor had obtained it *bona fide*. Gaius, Inst. II. 45; and Aul. Gell. XVII. 7 *Legis veteris Atiniae verba sunt: Quod subruptum erit, eius rei aeterna auctoritas esto.*

25, 19. hanc mansuetudinem is defined by the phrase *eum . . . appellare.* So the infinitive is used for the more usual gerund in De Nat. Deor. III. 24, 63 *Magnam molestiam suscepit . . . Zeno, . . . commenticiarum fabularum reddere rationem*, etc. Mr. Holden, in a note on *hostis vocaretur*, quotes the following passage from Hume (Essay on Commerce, note): "The more ancient Romans lived in perpetual war with all their neighbors, and in old Latin the term *hostis* expressed both 'a stranger' and 'an enemy.'" This explanation of the matter is without doubt more correct than Cicero's. Whatever virtues the Romans may have had, *mansuetudo* was not one of them.

38 **25, 30. Celtiberis:** Their capital, Numantia, was razed to the

ground in B.C. 134. The Cimbri were defeated by Marius in his fifth consulship.—**25, 31. uter esset,** etc., "which should exist, not which should be supreme."—**26, 1. Poenis**: The contest with the Carthaginians was *de imperio* and for commercial supremacy, but they were not treated exactly *minus acerbe* (l. 27); and this Cicero goes on to excuse by the usual abuse of the Carthaginians. So in De Am. 8, 28 he says of Hannibal *alterum propter crudelitatem semper haec civitas oderit.* Hor. Carm. II. 12, 2 *dirum Hannibalem.*

26, 2. Pyrrhi: Pyrrhus, on the other hand, was always felt to be a chivalrous foe.—**26, 3. illa praeclara,** scil. *sunt.* The lines are from the sixth book of the *Annales* of Ennius; Pyrrhus is answering the deputation from Rome, sent with a large sum of money to negotiate for a surrender of the prisoners after the battle of Heraclea, B.C. 280.—**26, 5. cauponantes bellum,** "making a trade of war;" *caupo* is a petty tradesman. There is an imitation of Aeschylus, Sept. in Theb. 526 ἐλθὼν ἔοικεν οὐ καπηλεύσειν μάχην.—**26, 6. vitam cernamus** = *de vita decernamus.* Enn. Medea p. 128 ed. Vahlen *nam ter sub armis malim vitam cernere, quam semel modo parere;* ibid. p. 115 *saeviter fortunam ferro cernunt de victoria.*—**26, 7. era** is to be taken with *Fors,* "dame Fortune."—**26, 8. accipe,** in the singular, is addressed to Fabricius, the chief of the deputation; **ducite,** in l. 11, to the three messengers.—**26, 10. certum est,** "it is my intention."—**26, 11. volentibus cum magnis dis** was a formula of well-wishing. Cato, c. 141 *Cum divis volentibus, quodque bene eveniat, mando tibi, Mani.* The final syllable of *volentibus* is short.

26, 12. Aeacidarum: Pyrrhus traced back his descent to Pyrrhus, the son of Achilles, and so to Aeacus.

CHAPTER XIII.

39 **26, 13. si quid singuli**: The preceding two chapters treat of the duties of nations towards public enemies; the present one of the duties of individuals.—**temporibus,** "circumstances."—**26, 15. Regulus**: The story is told again in III. § 99, ff.; comp. Hor. Carm. III. 5, 13.—**26, 17. captivos . . . non censuit**: The *non* belongs to *censuit* according to the Latin idiom with verbs of saying, but according to the English idiom to *reddendos;* so in III. § 100 *reddi captivos negavit esse utile.*

40 **26, 20. Secundo autem . . . approbavit**: This section is not found in the best MSS., and the faults of style show it to be an

interpolation. The two narratives occur also in III. 32, 113, and 22, 86.—**26, 23. impetrassent** is used absolutely, "had accomplished their object."—**26, 24. qui peierassent** is the subjunctive, giving the reason of what precedes. *quia peierassent* is an emendation of S. I. Heller, and is adopted by Baiter II.—**26, 25. in aerariis reliquerunt**, i. e. they removed them from their respective tribes and registered them in the class of citizens who paid only a poll-tax, and had no right of voting.—**26, 26. iuris iurandi fraude**, "by a fraudulent construction of their oath;" so *fraudem legi facere;* and Plin. Hist. Nat. X. 50 *in fraudem legis.*—**culpam invenerat** = *culpae se obnoxium reddiderat.* Comp. Cic. ad Herenn. IV. § 48 *vituperationem . . . invenistis, ut timidi atque ignavi putaremini.*

26, 28. quod . . . diceret: The construction is a combination of *quod se oblitum nescio quid dicebat*, and *quod nescio quid oblitus esset*, where the force of the subjunctive is: "as he said."

26, 30. quid senseris, non quid dixeris: This rule is very carelessly stated. The principle suggested by the example just given is that in the matter of oaths and promises (*in fide*) we must regard the plain and usual sense of the language, *sicut verbis concipitur more nostro* (III. § 108), not the mere verbal form of the oath, which a person may always interpret in his own way.

26, 33. a Pyrrho perfuga: So Ep. ad Fam. II. 17 *litteras a te;* see Hand, Tursell. I. p. 35.—**27, 1. et eum necaturum**: The addition is perhaps not quite pleonastic, since *venenum* originally denoted, like the Greek φάρμακον, either a noxious or a healing drug. Gaius says in the Digest, 50, 16, 236, *Qui venenum dicit, adicere debet malum an bonum sit; nam et medicamenta venena sunt: quia eo nomine omne continetur, quod adhibitum eius naturam, cui adhibitum esset, mutat.*

27, 4. interitum cum scelere, i. e. *scelestum*, brought about by crime. So Tusc. I. 49 *mors cum gloria.*

41 **27, 7. quibus** = *et iis*, and is to be taken with *uti.*—**27, 8. qui ita iubent** etc.: Sen. de Benef. III. 22 *servus, ut placet Chrysippo, perpetuus mercennarius est.*—**iusta praebenda**, i. e. food, clothing, and lodging.

27, 12. Totius . . . iniustitiae nulla, "of all the forms of injustice none," etc. To express the idea of the different forms of an abstract quality, Cicero uses either the plural of the word, or the singular with *omnis* or *totus.* So § 78 *fortitudines*, § 19 *multi*

reditus, § 103 *quietes*, § 131 *tarditates*, § 95 *omnem honestatem*. For the sense comp. Plato de Rep. II. 361 A ἐσχάτη γὰρ ἀδικία δοκεῖν δίκαιον εἶναι μὴ ὄντα.—**27, 18. tum, cum maxime,** "at the very moment, when," etc.

CHAPTER XIV.

42 **27, 16. Deinceps,** not *deinde*, is used by Cicero in passing to a new division of his subject.—**de beneficentia ac de liberalitate**: The repetition of the preposition would seem to indicate two different ideas; but the relative *qua* and the singular *habet* show that the writer has only a single one in mind. Etymologically, *beneficentia* is the doing good, *liberalitas* is the being free, open-handed—two sides of the same action; but Cicero seems to use the words indiscriminately in other passages.—**27, 17. quidem** is opposed to *sed;* it is true, nothing is more consonant with human nature, but still it involves *multas cautiones*, much need for the use of caution. On *cautiones*, plural of the abstract noun, see note at the end of the preceding section, *Totius iniustitiae nulla*.

27, 18. Videndum est = *cavendum est*.—**27, 19. et iis . . . et ceteris**; *et . . . et* are not common after a negative.—**27, 22. id** refers to *ut pro dignitate* (in proportion to his worthiness) *cuique tribuatur*.

27, 26. adsentatores: Comp. II. 18, 63 fin. *adsentatorum populi, multitudinis levitatem voluptate quasi titillantium*, i. e. by giving them largesses.—**27, 27. in eadem sunt iniustitia, ut si,** "are unjust in the same degree as they would be if," etc. See § 62 *in vitio est;* § 47 *est in officio*.

43 **27, 28. et quidem** = *iidemque*, "and even men who are," etc. —**27, 31. quacumque ratione,** "in any way whatever;" as a general rule, Cicero uses *quicumque* in this sense only with *ratione* and *modo*.

28, 3. L. Sullae, C. Caesaris pecuniarum translatio: The allusion is to their confiscation and distribution of property during the civil wars. See II. 8, 27, where they are noticed at some length. *pecuniarum translatio* is a single idea, *Sullae* and *Caesaris* depending on it. Comp. 37, 132 *Contentionis praecepta rhetorum sunt, nulla sermonis;* De Fin. I. § 14 *Theophrasti orationis ornamenta;* Brut. § 163 *Scaevolae dicendi elegantia*.

44 **28, 6. Alter locus,** "The second point."—**28, 8. res** = *res familiaris*, "their circumstances."—**primum** is followed by *Inest*

autem, l. 11, instead of *deinde*.—**28, 10. relinqui,** i. e. as an inheritance after death.

28, 14. quadam gloria ductos, "influenced by the desire of *a sort of* glory." So *quidam* not only softens a strong word, but sometimes gives a tone of disparagement. *gloria*, desire of glory; so II. § 24 *libertas*, desire for liberty; Caes. B. G. IV. 2 *labor*, strength for labor; *veritas*, love of truth. See Nägelsbach, Latein. Stylistik, § 49, 2.—**28, 16. ostentatione . . . voluntate,** "desire for show . . . genuine feeling." So Ep. ad Att. VIII. 9, 2 *signa conturbantur, quibus voluntas a simulatione distingui posset.*

CHAPTER XV.

46 **28, 26. sapientibus** is used in the Stoic sense; they held that the *sapiens* was perfectly wise and virtuous, that all other men were foolish and vicious, and hence could possess only the *simulacra virtutis*, no real virtue.—**in quibus** is to be taken with *si sunt simulacra virtutis; praeclare agitur*, "we can get on very well." For the order of the clauses comp. De Am. 3, 11 *cum illo vero quis neget actum esse praeclare?* and § 41 above *quibus non male praecipiunt qui ita iubent uti.* For *simulacra virtutis* comp. De Fin. V. 15, 43 *parvi virtutum simulacris, quarum in se habent semina, sine doctrina moventur;* so III. § 13 *similitudines honesti;* and III. § 69 *umbra et imagines*, as contrasted with *verae iustitiae solida et expressa effigies.*

29, 1. Nam introduces an explanation of the omission of the virtue of fortitude in what was just said.

47 **29, 5. De benivolentia autem,** "As regards benevolence however." So *de* with the ablative is sometimes used independently of the rest of the sentence, to introduce a topic of discourse. Ep. ad Fam. II. 17, 2 *De rationibus referendis, non erat incommodum te nullas referre.*—**29, 6. in officio**; see note on p. 27, 27.

29, 9. Sin erunt merita, i. e. on the part of the person with whom we are dealing, so that we have not *inire gratiam*, to confer a favor on him, but *referre gratiam*, to repay those conferred on us.—**29, 12. referenda gratia**: An uncommon use of the ablative of the gerundive after the comparative for *quam* with the infinitive.

48 **29, 14. iubet reddere Hesiodus**: The passage is in Ἔργα καὶ Ἡμέραι, 349, *εὖ μὲν μετρεῖσθαι παρὰ γείτονος, εὖ δ' ἀποδοῦναι Αὐτῷ τῷ μέτρῳ καὶ λώιον, αἴ κε δύνηαι· Ὡς ἂν χρηίζων καὶ ἐς ὕστερον ἄρκιον εὕρῃς.*—**29, 15. an imitari** etc.: *an* introduces the sec-

ond of two questions; and, as here, the first, introduced by *utrum*, is often suppressed. The sense is: Should we return only what we have received, *an imitari*, or should we imitate etc.?

29, 22. Sine iniuria, i. e. to his family and relations; comp. § 44.

49 **29, 27. Morbo in omnes** etc.: The *temeritas*, want of reflection, may show itself in an exaggerated desire of giving to everybody, which amounts to a disease (*morbo in omnes*), or in giving occasionally to individuals upon the impulse of the moment (*repentino quodam impetu animi*). Tusc. Disp. IV. 10, 24 *Intellegatur perturbationem iactantibus se opinionibus inconstanter et turbide in motu esse semper; cum autem hic fervor concitatioque animi inveteraverit et tamquam in venis medullisque insederit, tum existit et morbus et aegrotatio.*

29, 30. in collocando beneficio, "in conferring benefits," as it were investing capital (*collocatio*).

CHAPTER XVI.

50 **30, 4. societas hominum coniunctioque:** See § 45.—**30, 5. ut quisque coniunctissimus,** i. e. as a person may be one of our own family, a friend, a fellow-citizen, or merely one of the human race.

30, 6. naturae, "of nature," established by nature.—**30, 8. altius,** "farther back."

30, 10. ratio et oratio: Comp. § 12 *eademque natura vi rationis hominem conciliat homini et ad orationis et ad vitae societatem.*—**30, 13. longius,** scil. *ratione et oratione.*

51 **30, 20. est servanda communitas, ut,** etc., "the common use is to be maintained in such a way that," where the use is regulated by law, the law may be observed; but where no express provision of law exists, these things may be enjoyed as among friends.—**30, 22. Graecorum proverbio:** Arist. Eth. Nic. VIII. 9, 1 *καὶ ἡ παροιμία "κοινὰ τὰ φίλων" ὀρθῶς· ἐν κοινωνίᾳ γὰρ ἡ φιλία.*

30, 25. ab Ennio positum, "laid down by Ennius." It is not known from whence the quotation is taken.

52 **31, 6. vulgaris liberalitas,** "general liberality," that bestowed *ad communem utilitatem*, is to be regulated upon the principle suggested in the last line quoted from Ennius; namely, that we shall still retain enough of our means to be able to give to those who have especial claims on us (*nostros*).

CHAPTER XVII.

53 **31, 9. Ut enim ab illa infinita** etc.: The different *Gradus societatis* here follow: *illa infinita* (*universi generis humani societate*, § 50); *gentis, nationis, linguae*, which seem to denote a single grade; *civitatis; propinquorum;* like a series of concentric circles, of which the last *in exiguum angustumque concluditur*. III. 17, 69 *Societas est enim . . . omnium inter omnes, interior eorum, qui eiusdem gentis sunt, propior eorum, qui eiusdem civitatis.*—Cic. De Nat. Deor. III. 39, 93 (*divina providentia*) *non curat singulos homines. Non mirum; ne civitates quidem; non modo eas, ne nationes quidem et gentes. Quodsi has etiam contemnet, quid mirum est omne ab ea genus humanum esse contemptum?*

31, 16. res rationesque contractae, "business transactions."

54 **31, 24. consobrinorum sobrinorumque**: The former are strictly the children of sisters, afterwards cousins-german in general; the latter are the children of cousins.

31, 26. conubia et adfinitates: He has spoken of *coniugium*, the general word for the union of male and female, which may be applied even to beasts; and now mentions *conubium*, the legal term for marriage between Roman citizens; *adfinitates* are the connections resulting from such marriages.

55 **31, 31. monumenta maiorum**: Brut. 16, 62 *ipsae enim familiae sua quasi ornamenta ac monumenta servabant et ad usum, si quis eiusdem generis occidisset, et ad memoriam laudum domesticarum et ad illustrandam nobilitatem suam.*—**sacris**: There were certain sacred rites which belonged to a *gens* (*sacra gentilicia*), or a family, to the observance of which they were all bound. De Leg. II. 19, 47 *de sacris . . . haec sit una sententia, ut conserventur semper et deinceps familiis prodantur, et . . . perpetua sint sacra.* **sepulcra**: Ibid. 22, 55 *tanta religio est sepulchrorum, ut extra sacra et gentem inferri fas negent esse.*

32, 2. illud enim honestum: The reason of the preceding assertion, introduced by *enim*, extends to the clause *ut unus fiat ex pluribus*, l. 12.—**32, 3. etiam si in alio cernimus**: The force of *etiam* here is not evident. *tamen*, probably inserted by some copyist, would go to show that *etiam si* was taken to mean "even if," the sense then being, "the *honestum* moves us, *even if* we see it in another person." But so far from there being anything strange in this, Cicero says in II. 9, 32 that when we see in another person the virtues which arise from the *honestum*, *idcirco*

illos, in quibus eas virtutes esse remur, a natura ipsa diligere cogimur. Yet, after removing *tamen*, a difficulty still remains; "if we see (the *honestum*) *also* in another person," i. e. as well as in—whom else? As well as in ourselves? Bonnell proposes the following explanation: The *honestum* is the abstract idea of right; now, even if we see this (or if we see this also) in a *concrete* form, embodied in one of our kind, such is its power that it directly inspires us with friendship for the person. The natural expression would seem to be *cum in alio cernimus.*

56 **32, 8. copulatius** may be compared with other participles, such as *consideratus, cautus, circumspectus, falsus, tacitus*, which became adjectives with active signification; comp. Livy, VI. 14, 9 *commotius ad omnia turbanda consilium.*—**32, 9. eadem studia**: De Am. 6, 1 *Est enim amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benivolentia et caritate consensio.* —**32, 11. quod Pythagoras vult,** i. e. *necessarium censet.* He is said *πρῶτος ἀποφηνάμενος τὸν φίλον ἄλλον ἑαυτόν.* The Stoic definition is, Diog. Laert. VII. 23 and 124, *κοινωνία τῶν κατὰ τὸν βίον, χρωμένων ἡμῶν τοῖς φίλοις ὡς ἑαυτοῖς.* Porph. on Hor. Carm. I. 3, 8 *φιλία ἐστὶ μία ψυχὴ ἐν δυοῖν σώμασιν.* Cic. De Am. 25, 92 *cum amicitiae vis sit in eo, ut unus quasi animus fiat ex pluribus.*

32, 12. quae . . . devinciuntur: The relative is here taken into and made the subject of the dependent clause *et mutua et grata dum sunt;* according to the English idiom it would have been *quibus*, ablative of means after *devinciuntur.* Comp. Cic. Flacc. 36, 90 *ergo is, qui si aram tenens iuraret, crederet nemo*, etc.

57 **32, 19. omnium caritates**: *caritates* denotes the various forms of affection, not the objects of them, which last are indicated in the objective genitive *omnium;* he says that the love of country embraces them all.—**32, 20. complexa est**: The perfect tense denotes the action already performed, of which the results still remain in the present. So p. 33, 3 *coniugavit;* Cic. Man. 3, 7 *delenda est vobis illa macula Mithridatico bello superiore concepta, quae penitus iam insedit ac nimis inveteravit in populi Romani nomine.*

32, 23. occupati et sunt et fuerunt: The latter are the Gracchi, Catiline, Clodius, Caesar; the former Antonius and his party.

58 **32, 24. contentio . . . et comparatio,** "a contrast and comparison." The same occurs in § 152 *contentio et comparatio, de duobus honestis utrum honestius.* In De Inv. I. c. 12, 17 he says

comparatio, in qua per contentionem, utrum potius aut quid potissimum sit, quaeritur; i. e. a confronting, a setting of one against the other.—**32, 28. spectat in nos solos,** quite the English idiom, "looks to us alone."

32, 32. vita . . . victusque are here probably synonymous, *ὁμιλία τε καὶ συνουσία.* So Brut. 25, 95 *omni vita atque victu excultus atque expolitus.* Comp. Tusc. Disp. V. 22, 63 *carere consuetudine amicorum, societate victus, sermone omnino familiari,* etc. —**33, 2. obiurgationes**: In De Am. 24, 89 he speaks of this matter at length.—**33, 3. coniugare** is a *ἅπαξ εἰρημένον* with Cicero, as also *seiugatus* in De Div. I. 32, 70.

CHAPTER XVIII.

59 **33, 5. videndum erit,** not = *cavendum erit,* as before, but *considerandum erit.* So in § 147, and often elsewhere.

33, 8. necessitudinum . . . temporum: *necessitudines* denotes the various relations in life which impose duties on us; *tempora* are the outward circumstances.

33, 10. vicinum citius adiuveris: Comp. Hesiod, Works and Days, 342 *εἰ γάρ τοι καὶ χρῆμ' ἐγχώριον ἄλλο γένηται, | Γείτονες ἄζωστοι ἔκιον, ζώσαντο δὲ πηοί.*

33, 14. et consuetudo . . . capienda seems to be a comment on the next section which has crept into the text.—**boni ratiocinatores officiorum**: This was considered a special form of virtue by the Stoics; they called it *εὐλογιστία,* namely, the correct balancing of duties, both our own to others and theirs to us. Stob. Ecl. Eth. II. p. 106 *εὐλογιστίαν ἐπιστήμην ἀνταναιρετικὴν καὶ συγκεφαλαιωτικὴν τῶν γιγνομένων καὶ ἀποτελουμένων.*

60 **33, 21. illa quidem**: A common pleonasm, for which we have no equivalent in English; we convey the force of it by laying emphasis generally upon the preceding word. Here the sense is: we may lay down *rules of conduct,* it is true, but they are not enough without practice. Comp. below, § 66 *res magnas illas quidem, sed* etc.; § 95 *decorum totum illud quidem . . . , sed* etc. III. § 118 *Etiam temperantiam inducunt, non facillime illi quidem, sed* etc. Mr. Holden cites cases of other pronouns; Tusc. Disp. IV. § 5 *Sapientiae studium vetus id quidem in nostris, sed tamen* etc. So ibid. § 60.

33, 23. ab iis rebus . . . ducatur: This is to be compared with § 15 *omne, quod est honestum, id quattuor partium oritur ex aliqua,* and similar statements; Cicero holds, as in § 14, that

right and wrong have an objective existence, but that we take cognizance of the difference after observation and reflection. So at the beginning of the next section.—**quae sunt in iure,** "which are in, i. e. which form a part of, the law of human society." It is better taken thus than, as it often is, as equal to *iusta sunt*, after such expressions as *in odio esse*, *in aequo esse*, etc.—**33, 25. aptum est,** "depends upon," followed by *ex* with the ablative. Cic. Parad. 2, 17 *Nemo potest non beatissimus esse, qui est totus aptus ex sese.*

61 **33, 26.** Cicero now passes on to consider the virtue of *fortitudo* (§ 61–92). Under the head of *ἀνδρεία* the Stoics (Stob. Ecl. Eth. II. p. 106) included *καρτερία, θαρραλεότης, μεγαλοψυχία, εὐψυχία*, and *φιλοπονία*. In the present passage and on p. 35, 22 Cicero speaks of *μεγαλοψυχία*, which Stobaeus (in loco) defines as *ἐπιστήμην ὑπεράνω ποιοῦσαν τῶν πεφυκότων ἐν σπουδαίοις τε καὶ φαύλοις*; on p. 34, 16 he alludes to *καρτερία*, or *ἐπιστήμη ἐμμενετικὴ τοῖς ὀρθῶς κριθεῖσι*, and on p. 35, 28 to *φιλοπονία*, or *ἐπιστήμη ἐξεργαστικὴ τοῦ προκειμένου οὐ κωλυομένη διὰ πόνον*. The definition of Chrysippus is given in Tusc. Disp. IV. 24, 53: *Fortitudo est, inquit, scientia rerum perferendarum vel adfectio animi in patiendo ac perferendo summae legi parens sine timore.*—**33, 28. humanas res,** "the vicissitudes of human life."

33, 29. Itaque in probris etc., "Therefore in the case of insults the very first to be offered is, if possible, such a one as this." *in promptu* is "in readiness," "at hand." *in probris* corresponds to *in laudibus*, p. 34, 2.

33, 31. Vos enim, etc.: The author of the verses is not known; they form (as they stand) a trochaic septenarius, *enim* being taken as a pyrrhic, and the first syllable of *illa* made short.—**viri,** scil. *animum.* Müller thinks that the poet could never have written *illa virgó*, and proposes *illa autem.*

34, 1. Salmacida: Salmacis was the name of a spring in Caria, the waters of which were said to make those who used them effeminate. Ovid, Metam. IV. 288 ff. *Salmacides* is therefore here a term of reproach. Festus, p. 202, gives Ennius as the author of the verse. **spolia** (imperative) **sine sudore** etc.: Comp. the Greek *ἀναιμωτὶ νικᾶν.* Baiter II. and others read *Salmaci, da* etc.

34, 3. nescio quo modo, "in some way or other," "for some reason." Comp. 41, 146 *fit enim nescio quo modo, ut magis in aliis cernamus quam in nobismet ipsis, si quid delinquitur.*

34, 4. campus is "the field" of action of the rhetoricians, the subjects of the orations which they used for teaching their pupils.—**34, 5. hinc noster Cocles,** "hence comes what is said of our own Cocles," etc. Comp. De Nat. Deor. II. 3, 7 *Quodsi ea ficta credimus licentia fabularum, Mopsum, Tiresiam,* etc.; i. e. what is said of Mopsus, Tiresias, etc.

34, 10. ornatu fere militari: *fere,* "in general," "as a rule." Pliny, Hist. Nat. XXXIV. 5, 10, speaks of the custom of erecting statues; *Graeca res nihil velare, at contra Romana ac militaris thoracas addere.*

CHAPTER XIX.

62 **34, 13. in vitio** = *vitiosa est;* see note p. 20, 4.—**34, 14. inmanitatis** is here "violence."

34, 15. probe, "rightly." **definitur . . . fortitudo**: See note on p. 33, 26, particularly the last part of the definition of Chrysippus.

63 **34, 20. illud Platonis,** "the remark of Plato," quoted from Men. p. 246 E πᾶσα ἐπιστήμη χωριζομένη δικαιοσύνης καὶ τῆς ἄλλης ἀρετῆς πανουργία, οὐ σοφία φ...νεται; and from Lach. p. 197 B ταῦτα οὖν, ἃ σὺ καλεῖς ἀνδρεῖα καὶ οἱ πολλοί, ἐγὼ θρασέα καλῶ.

34, 26. eosdem, "at the same time;" see note on p. 18, 13.—**simplices,** "simple-minded," "straightforward," with no double dealing; the Latin word seems not to have had the ironical sense which the English sometimes has. So De Rep. III. 16, 26 *bono viro quem apertum et simplicem volumus esse.*—**34, 27. ex media laude iustitiae,** "from the midst of the praise of justice," what we chiefly commend in the virtue of justice. De Leg. II. 21, 53 *Hoc vero nihil ad pontificium ius et e medio est iure civili.*

64 **34, 28. odiosum** = *molestum,* "annoying," the great difficulty. So on p. 21, 2.—**34, 30. cupiditas principatus** is not in itself wrong; for in § 13 it is inborn in the *animus bene informatus,* and almost the root of *magnitudo animi.*

34, 30. Ut enim apud Platonem est, etc., is for *Ut enim secundum Platonem omnis mos Lacedaemoniorum inflammatur.* —**34, 31. apud Platonem**: Lach. p. 182 E Λακεδαιμονίους, οἷς οὐδὲν ἄλλο μέλει ἐν τῷ βίῳ ἢ τοῦτο ζητεῖν καὶ ἐπιτηδεύειν, ὅτι ἂν μαθόντες καὶ ἐπιτηδεύσαντες πλεονεκτοῖεν τῶν ἄλλων περὶ τὸν πόλεμον. —**morem** is "the national character."—**35, 2. princeps omnium** etc.: He has in mind Pompey and Caesar. Comp. Flor. IV. 2, 14 *nec hic* (*Pompeius*) *ferebat parem, nec ille* (*Caesar*) *superiorem;* Vell. Paterc. II. 33 *Nam neque Pompeius, ut primum ad rem publi-*

cam adgressus est, quemquam animo parem tulit; et in quibus rebus primus esse debebat, solus esse cupiebat.

35, 4. Ex quo fit, etc.: This whole passage was evidently written with reference to the state of affairs in Rome at the time. In l. 11 the allusion is to Caesar, as being one of those *qui faciunt,* and to Cicero himself, as one of those *qui propulsant iniuriam.*—**35, 5. publico ac legitimo iure,** in the courts, the public assemblies, or the senate.—**35, 6. existuntque,** "*but* there arise" etc., where *que* has the force of *sed.*

35, 9. Sed connects what follows with the sentence *Difficile autem est,* l. 2; *Ex quo fit,* etc., is an incidental remark.

65 **35, 14. natura** is perhaps better taken as an ablative, the subject of *sequitur* being a pronoun understood and referring to *animi magnitudo;* this last is personified, and so has *iudicat* and *mavult* for predicates.—**in factis positum,** etc.: Comp. Ep. ad Fam. XV. 4, 13 *Si quisquam fuit umquam remotus ab inani laude et sermonibus vulgi, ego profecto is sum. Testis est consulatus meus, in quo sicut in reliqua vita fateor ea me studiose secutum, ex quibus vera gloria nasci posset, ipsam quidem gloriam per se numquam putavi expetendam.*—**35, 15. esse . . . quam videri;** Aeschyl. Septem contr. Thebas 592 Οὐ γὰρ δοκεῖν ἄριστος ἀλλ' εἶναι θέλει.—**35, 16. errore** is the wandering, uncertain judgment.

35, 19. locus . . . lubricus, as we say "slippery ground;" because the desire of glory is not to be condemned, and yet it so easily leads us astray. Comp. Cic. pro Cael. 17, 41 *vias adolescentiae lubricas, quibus illa insistere aut ingredi sine casu aliquo ac prolapsione vix posset.*—**35, 21. quasi mercedem,** "as it were a reward;" but in other places he makes no such qualification. Comp. In Mil. 35, 97 *ex omnibus praemiis virtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam;* and In Pis. § 57 *iusta gloria . . . est fructus verae virtutis honestissimus.*

CHAPTER XX.

66 **35, 22.** For the definitions comp. note on 33, 26.—**35, 23. rerum externarum:** See note on p. 16, 17.—**35, 27. perturbationi animi** is the Greek πάθος, and according to the definition of Zeno, Tusc. Disp. IV. 6, 11, *aversa a recta ratione contra naturam animi commotio;* or ibid. III. 11, 24 *animi motus vel rationis expers vel rationem aspernans vel rationi non oboediens.* Comp. note on p. 36, 25.

35, 29. illas quidem: See note on p. 33, 21. *quidem* is gene-

rally followed as here by *sed* introducing the qualifications or circumstances opposed to or more important than those preceding; but the sense here seems to be merely "deeds not only great, and in the highest degree useful, but also exceedingly difficult," etc.; perhaps we should read *sed etiam* instead of *sed* [*ut*].

67 **36, 1. addo etiam utilitatem** = *praeterea etiam utilitas.* So Ep. ad Fam. III. 7, 5 *homo summa prudentia . . . plurimo rerum usu, addo urbanitatem.*—**36, 2. causa . . . et ratio,** "the rational cause."

36, 4. Id autem ipsum refers to *illud, quod . . . facit.*

36, 8. ratione stabili firmaque, "on fixed and firm principles."—**36, 11. a statu naturae,** σύστασις φυσική. All passion is a disease of the soul; the natural condition is a uniform tranquillity, ἀταραξία, Tusc. Disp. IV. 5, 10 *placida quietaque constantia;* the *perturbatio* is *contra naturam animi commotio.* See note on p. 35, 27.

68 **36, 21. eripit enim libertatem**: Parad. V. 3, 40 *illa cupiditas . . . honoris, imperii, provinciarum, quam dura est domina, quam imperiosa, quam vehemens! . . . Quae servitus est, si haec libertas existimari potest?*

36, 23. ac potius, "or rather;" it corrects the preceding expression by adding a stronger one. Cic. Ep. ad Fam. I. 1, 1 *Ego omni officio ac potius pietate erga te ceteris satisfacio omnibus.*

69 **36, 25. perturbatione**: These are classified and defined at length in Tusc. IV. 6, 11 and III. 11, 24. They fall under four heads: *cupiditas* or *libido,* the immoderate, unreasonable desire of some expected good; *metus,* the fear of some great impending evil; *aegritudo,* the state of mind caused by a present evil; and *voluptas* or *laetitia,* that caused by a present good. *Ira* is ranged under the head of *libido.* See also note on p. 35, 27. —**36, 27. animi,** the reading of the MSS., is bracketed by Heine, and omitted by Baiter. *nimia* is substituted by Orelli and Lund, *probante* Madvig.

36, 31. otium here and *otiosus* several times in this chapter denote abstention from public affairs, and devotion to private concerns. So Tusc. Disp. I. 3, 5 *quae* (*philosophia*) *inlustranda et excitanda nobis est, ut, si occupati profuimus aliquid civibus nostris, prosimus etiam, si possumus, otiosi.* In De Am. 22, 3 he contrasts those *qui ad rem publicam se contulerunt* with those *qui*

suum negotium gerunt otiosi.—**in his**: The construction is abbreviated from *in his fuerunt . . . qui non potuerunt.*—**nobilissimi philosophi,** as Pythagoras, Democritus, and Anaxagoras (De Orat. III. 15, 56).—**36, 32. quidam homines severi et graves,** such as Atticus (Nepos, Att. c. 6); M. Piso (Cic. Brut. 67, 236) *laborem . . . forensem diutius non tulit, quod . . . hominum ineptias ac stultitias, quae devorandae nobis sunt, non ferebat iracundiusque respuebat.*

70 **37, 3. quod regibus**: The mention of *reges* here is singular, especially as no further reference is made to them. Heine thinks that the Greek original which Cicero used must have contained something similar. The Stoics held, Stob. Ecl. Eth. II. p. 224, *καὶ τρεῖς εἶναι βίους, τόν τε βασιλικὸν τὸν πολιτικὸν καὶ τρίτον τὸν ἐπιστημονικόν.* Sallust, Iug. 31, 26, says *impune quaelibet facere, id est regem esse.* Plato Gorg. p. 469 C *Ἀλλ' ἔγωγε (τυραννεύειν) τοῦτο λέγω, ἐξεῖναι ἐν τῇ πόλει ὃ ἂν δοκῇ αὐτῷ ποιεῖν τοῦτο καὶ ἀποκτίννυντι καὶ ἐκβάλλοντι καὶ πάντα πράττοντι κατὰ τὴν ἑαυτοῦ δόξαν.*— **37, 5. sic vivere, ut velis**: Parad. V. 1, 34, *Quid est enim libertas? Potestas vivendi, ut velis.*

CHAPTER XXI.

71 **37, 15. concedendum** = *ignoscendum.* — **non capessentibus**: The participle gives the circumstance to be excused; "for not taking part in public affairs." Why Cicero hesitates somewhat to excuse this (*forsitan concedendum sit*) may be seen in § 28. **qui excellenti ingenio**: Abl. of quality. So Tusc. Disp. I. 2, 3, *si qui magnis ingeniis* etc.—**37, 17. aliqua graviore causa,** such as in Cicero's own case the influence of Caesar and afterwards of Antony in the state.

37, 24. difficile factu est non probare: *factu* is unnecessary. So De Nat. Deor. III. 1, 1 *difficile factu est me id sentire quod tu velis.* Timaeus, c. 11 *difficile factu est a deis ortis fidem non habere.*—**37, 25. tum offensionum et repulsarum**: *tum*, even without a preceding *cum*, often introduces the more important circumstance; so § 19 *tum agitatio mentis. Offensio* is the striking against a hinderance, the failure to accomplish a thing. *Repulsa* is the ordinary word for losing an election. *Ignominia* and *infamia* are very strong expressions, and hence are qualified by *quasi quandam;* these sensitive people fear "as it were a sort of," etc.

37, 27. in rebus contrariis, not "in adversity," but "in op-

posite circumstances," such as he proceeds to mention, *voluptatem, dolore, gloriam, infamia.*

72 **87, 30.** The Stoics generally recommended that the wise man should take part in public affairs. Diog. Laert. VII. 121 *πολιτεύεσθαί φασι τὸν σοφὸν ἂν μή τι κωλύῃ, ὥς φησι Χρύσιππος ἐν πρώτῳ* Περὶ βίων: Sen. De Otio 3, 2 *Zenon ait: "Accedet ad rem publicam sapiens, nisi si quid inpedierit.* — **87, 32. adipiscendi,** "are to be striven for." De Fin. V. 20, 57 *qui altiore animo sunt, capessunt rem publicam honoribus imperiisque adipiscendis.*

88, 5. quam saepe dico: This is the common Latin idiom corresponding to the English "above mentioned," and similar expressions. So on p. 53, 30; p. 90, 31.

73 **88, 12. studia efficiendi,** "desire of accomplishment." The gerundive is used absolutely as in *efficiendi facultas, fames habendi.*—**88, 13. quietis** = *otiosis.*

88, 17. ut habeat depend on *caveat* in the sense of "take care that." So § 141 *caveamus, ut ea quae pertineant ad dignitatem, moderata sint.*

CHAPTER XXII.

74 **88, 22. res bellicas maiores esse**: Cicero had formerly held this opinion himself; Pro Mur. 10, 22 *Omnes urbanae res, omnia haec nostra praeclara studia latent in tutela ac praesidio bellicae virtutis; simul atque increpuit suspicio tumultus, artes illico nostrae conticescunt.* But this was before the conspiracy of Catiline.

88, 23. Multi saepe, a common pleonasm; many persons have done so, and the thing has often happened. Comp. p. 86, 5.—**88, 26. apti,** a *constructio ad synesim,* as if he had said *in hominibus magni animi* instead of *in magnis animis* (l. 25).—**88, 27. et cupidi bellorum gerendorum** is bracketed by Baiter and Heine, probably as being superfluous; for if many persons become soldiers *propter gloriae cupiditatem,* they must of course be *cupidi bellorum gerendorum.* But Cicero may mean that ambition often takes that particular form, and all the more (*eoque magis*) if men have special talents or a great passion for actual military service.

75 **88, 32. primum constituit Areopagitas**: The institution of the Areopagus as a court for the trial of cases of murder is ascribed in the Athenian myths to Athene or Cecrops; but Solon first gave it the supervision over morals and the laws in general. —**89, 4. servantur,** now, at the present day; so he says in Pro

Rosc. 25, 70 *sapientissimum Solonem dicunt fuisse, eum qui leges, quibus hodie quoque utuntur, scripserit.* — **89, 5. nihil dixerit,** "would not be able to cite anything." — **ille,** the court of the Areopagus, scil. *dixerit.*—**89, 6. bellum gestum**: He alludes perhaps to the fact mentioned in Plut. Them. 10 *οὐκ ὄντων χρημάτων τοῖς Ἀθηναίοις . . . τὴν ἐξ Ἀρείου πάγου βουλὴν πορίσασαν ὀκτὼ δραχμὰς ἑκάστῳ τῶν στρατευομένων αἰτιωτάτην γενέσθαι τοῦ πληρωθῆναι τὰς τριήρεις.* But he more probably assigns to the court the same powers at the time of the Persian wars that it had in the Roman period.

76 **89, 9. partum** is a conjecture of Lambinus; one MS. and many editions have *dilatatum* instead.—**89, 11. conferendi sunt,** scil. *Pausanias et Lysander*, i. e. their achievements; the simple name is often put for some circumstance connected with it. See note on p. 11, 17, *a Peripateticis dissidentia;* and p. 46, 29 *in quo natura eius a reliquis animantibus differat;* De Orat. I. § 23 *ut eorum auctoritatem Graecis anteponam;* ibid. § 197 *si cum Lycurgo . . . nostras leges conferre volueritis.*

89, 13. Mihi . . . pueris nobis: The change from singular to plural is not unusual. Comp. p. 79, 8–14. *pueris nobis* is abl. abs.—**M.** *Aemilius* **Scaurus** was consul in 639 (B.C. 115) and censor in 645 (109). As *princeps senatus* he was the leader of the aristocratic party, and is represented by Cicero as the ideal citizen. Sallust, however, Iug. 15, states that he allowed himself to be bribed by Iugurtha; comp. Mommsen, Röm. Gesch. II. p. 125. —**89, 14. Q.** *Lutatius* **Catulus,** consul in 676 (B.C. 78), a friend of Cicero, first saluted him as *pater patriae.* He belonged to the aristocratic party, and was a zealous opponent of Pompey, Caesar, and Crassus.—**89, 15. parvi enim** etc. may be a fragment from some poet; read as follows it forms a trochaic tetrameter catal.: *Párvi enim forís sunt arma, nísi sit consiliúm domi.*—**89, 17. in excindenda Numantia**: *In* thus used with the ablative gives, not the reason, but the manner or the circumstances of the action; "in the matter of the destruction of Numantia."—**89, 19. P.** *Scipio* **Nasica** *Serapio*, consul in B.C. 138, and pontifex maximus at the time here referred to. The story is told in Vell. Paterc. II. 2, 3. **privatus**: Tusc. Disp. IV. 23, 51 *ut si consul esset, qui rem publicam salvam esse vellent, se sequi iussit.* — **89, 20. ex domestica est ratione,** "falls within the province of civil life."—**89, 22. consilio urbano,** the resolution of a statesman, not *consilio militari*, that of a soldier.

77 **39, 25. Cedant arma togae,** etc. The verse is taken from the third book of a poem of Cicero on his consulship. The *toga* was the civil dress, and here represents the civil authority; *laurea* is the laurel crown, the reward of the victorious general; *laudi* is the spoken eulogy, such as Cicero received in the senate after the suppression of Catiline's conspiracy. The verse brought odium upon its author, and was thought by many to have been written in depreciation of Pompey. Comp. In Pis. 30, 73 f.; Phil. II. 8, 20. Quintilian, Inst. Orat. XI. 1, 24, expresses the wish that Cicero had never written this, as well as the following: *O fortunatam natam me consule Romam;* and Juvenal, in the tenth Satire, says that, if he had always written as badly as that, Antony would never have troubled him. Seneca, De Brev. Vit. 5, § 1, expresses a common feeling of disgust at Cicero's glorification of his public life: *quotiens illum ipsum consulatum suum non sine causa, sed sine fine laudatum detestatur?*

39, 30. delapsa arma ipsa ceciderunt: A pleonasm like that in Cat. I. 6, 16 *sica excidit casu aliquo et elapsa est ipsa* = *sua sponte;* De Div. I. 37, 74 *valvae clausae se ipsae aperuerunt.*

78 **40, 3. Cn. Pompeius . . . tribuit**: Pompey celebrated his first triumph as *propraetor* over Hiarbas of Numidia in B.C. 80, the second over Sertorius in B.C. 71, the third over the pirates, Mithridates, and Tigranes, in B.C. 61. In Phil. II. 5, 12 Cicero says *maxime vero consulatum meum Cn. Pompeius probavit, qui, ut me primum decedens e Syria vidit, complexus et gratulans meo beneficio patriam se visurum esse dixit. Mihi hoc tribuit* etc., "paid this (honor) to me, that he said" etc.; paid me the compliment of saying; comp. the phrase *honorem tribuere.*—**40, 6. ubi triumpharet,** a place where he might celebrate his triumph.

40, 7. fortitudines, opportunities for the exercise of fortitude; see note on p. 27, 12.

CHAPTER XXIII.

79 **40, 10. Omnino,** "In general;" introducing a general remark after the mention of several ways in which *magnitudo animi* is shown.

40, 12. afficiendum: *afficere* is "to put in a condition," διατιθέναι. De Divin. I. 30, 62 *Iubet igitur Plato, sic ad somnum proficisci corporibus adfectis, ut nihil sit, quod errorem animis perturbationemque adferat.*

40, 15. animi cura et cogitatione, "care and thought given by the mind;" *animi* is a subjective genitive.

40, 20. M. Catonis, scil. *consilio.* Cato, after his return from a mission to Carthage, where he had occasion to see the growing and dangerous prosperity of the city, always closed his speeches in the senate with the phrase *censeo delendam esse Carthaginem.* He died three years before its destruction, and so Cicero says *etiam mortui valuit auctoritas.*

80 **40, 21. expetenda . . . fortitudo,** lit. "reason in voting is more to be sought than courage in fighting." Dr. Peabody translates: "Skill in the settlement of controversies is more desirable than courage in disputing them by arms." *decernere* was used of the voting of a single senator. For the play upon the words *decernendi* and *decertandi* comp. De Senect. 1, 12 *hanc rei pestem non paulisper reprimi, sed in perpetuum comprimi volo.*

40, 25. quaesita is attracted to the gender of *pax,* instead of agreeing with *nihil.*

40, 27. tumultuantem, "making a great noise," "losing one's head," **de gradu deici,** "to be thrown out of position, off our balance." The metaphor is taken from the gladiatorial shows; *gradus* was the position the combatant had taken; the opposite of *de gradu deici* is *in gradum reverti.*—**40, 28. praesenti animo,** "presence of mind."

81 **40, 29. hoc** refers to what precedes, **illud** to what follows. **animi,** "personal courage;" **ingenii,** "understanding."—**40, 32. committere,** *con* and *mitto,* to put things together, to act in such a manner, that, etc.—**41, 1. Non putaram:** Val. Max. VII. 2, 2 *Scipio Africanus turpe esse aiebat in re militari dicere: "Non putaram."*

41, 3. temere autem in acie versari: The whole paragraph seems to refer to the duty of a commander in the field, who is not inconsiderately to fight in the ranks with the common soldiers, unless, as in the case of the Decii, whom Cicero is fond of citing, the necessity of the case requires it.—**41, 5. tempus necessitasque,** *ἓν διὰ δυοῖν.* So *servituti turpidinique,* the disgrace of captivity.

CHAPTER XXIV.

82 **41, 9. ne quid temere,** scil. *fiat.*

41, 10. rebus agitatis, not = *rebus cognitis,* after consideration of the circumstances, but *rebus turbulentis,* when things are

in confusion. So Sall. Cat. 38, 3 *rem publicam agitare.*—**sontes,** the guilty, the leaders.

41, 14. calida consilia, "hot-headed counsels." **quietis et cogitatis**: Cicero is doubtless thinking of his own course in the civil commotions at Rome.

83 **41, 16. periculi fuga,** abl. of cause, "to avoid danger." So in § 80 *bellandi fuga.* **committendum est, ut**: See note on p. 40, 32.—**41, 17. videamur,** "are seen to be," show ourselves to be.—**fugiendum illud . . . ne**: *fugiendum* here has the meaning of *cavendum*, and so is followed by *ne;* in the sense of "avoid" Cicero has elsewhere the infinitive; De Orat. III. 38, 153 *neque illud fugerim dicere;* Pro Mur. 5, 11 *huic donis patris triumphum decorare fugiendum fuit?*

41, 22. tranquillo, scil. *mari.*—**41, 25. si plus adipiscare** etc., lit. "if you get more advantage, the matter being successfully settled, than disadvantage, the matter having been called in question, i. e. the issue having been joined, the contest undertaken. The sense of the passage is: If great exigencies occur, we must meet them (*subvenire tempestati*) with extreme measures, as physicians use desperate remedies in dangerous diseases; and all the more (*eoque magis*) if the advantage to be gained in case of success outweighs the sacrifices made in the contest. The difficulty of the passage lies in *addubitata*, scil. *re*, which is variously taken by the commentators as equivalent to *derelicta propter dubitationem* (Schol.), *propter spem incerti exitus omissa* (Graevius), *in discrimen adducta* (Wolf, Facciol., Ern.), *infeliciter gesta, si non successerit* (C. Heus.).

41, 29. Promptiores igitur debemus esse etc., "We ought then to be more ready for our own than for the public risks," to risk our own than the public interests, and "to hazard more readily our honor and fame than other advantages." *dimicare de*, "to put to peril," "to risk," as in Pro Sest. 1 *reos de capite, de fama . . . dimicantes* (he had just said *in discrimen offerre*); so above *in discrimen vocantur;* and Pro Arch. XI. 29 *si nihil animus praesentiret in posterum . . . neque tot curis vigiliisque angeretur, neque totiens de ipsa vita dimicaret. dimicareque paratius* is often taken to mean "more ready to contend for honor and fame than for other advantages." But the sentence must be compared with what precedes and follows. In *Periculosae . . . actiones* etc., he says that the conduct of affairs brings danger partly to the actors themselves and partly to the state. To

this the first part of our sentence corresponds: we should risk our own rather than the public interests. In *Itemque alii de vita*, etc., he says men have to hazard their lives, their fame, and the good-will of their fellow-citizens. To this corresponds the second part of our sentence: we should hazard our honor, our fame, more willingly than *cetera commoda*, i. e. our property, our lives etc. He goes on in the next section to illustrate this by saying that many have been ready enough to lavish their money or their lives (*cetera commoda*), and still would not make the least sacrifice of their reputations. Cicero is thinking of his own case; he doubtless felt that he had sacrificed his own glory for his country; he had not taken the part in public affairs which he felt himself entitled to take; and the failure was very bitter to one so eager for personal distinction.

84 **41, 32. Inventi autem . . . sunt**: See the preceding note.—**42, 2. iacturam facere** was said of throwing overboard cargo to lighten a vessel; here, to give up with no prospect of advantage.—**42, 3. Callicratidas** commanded the fleet of the Lacedaemonians at the battle of Arginusae in B.C. 406. He had conquered Conon at Mitylene, taken Lesbos and other islands (*multa fecisset egregie*), and before this battle was advised of the reinforcements of the Athenians and warned not to risk meeting them. Cicero blames him for not sacrificing his personal reputation to the interest of the state and so avoiding the battle; and the answer, as he reports it, seems to justify the criticism. But according to other accounts a soothsayer had told him that the fleet would be victorious, though the commander would lose his life; and Xenophon, Hellen. I. 6, 32, gives his answer: *Καλλικρατίδας δὲ εἶπεν, ὅτι ἡ Σπάρτη οὐδὲν κακίον οἰκεῖται αὐτοῦ ἀποθανόντος, φεύγειν δὲ αἰσχρὸν εἶναι ἔφη.* This places the matter in a very different light.—**42, 5. vertit . . . omnia**, "overturned everything," threw away all he had gained.

42, 12. Cleombrotus commanded the Lacedaemonians at the battle of Leuctra, B.C. 371. According to Xen. Hellen. VI. 4, 5 he feared a comparison with Agesilaus, and the suspicion of being in collusion with the Thebans.

42, 14. Ennius, in the Annals, probably the ninth book.

42, 16. Noenum rumores ponebat etc. Comp. Livy XLIV. 22 *Firmi et constantis animi adversum rumorem . . . Fabius fuit, qui suum imperium minui per vanitatem populi maluit, quam, secunda fama, male rem gerere.* *Noenum*, an old collateral form for

non.—**42, 17. postque magisque . . . claret,** "shines both since his death and more brightly," shines brighter and brighter as time goes on.

42, 19. Sunt, qui . . . audent; Baiter reads *audeant.* But the common reading is *audent*, and some commentators think that Cicero thus referred to particular persons.

CHAPTER XXV.

85 **42, 21. duo Platonis praecepta . . . unum,** De Rep. I. p. 342 E *οὐδεὶς ἐν οὐδεμιᾷ ἀρχῇ, καθ' ὅσον ἄρχων ἐστί, τὸ αὑτῷ συμφέρον σκοπεῖ οὐδ' ἐπιτάττει, ἀλλὰ τὸ τῷ ἀρχομένῳ καὶ ᾧ ἂν αὐτὸς δημιουργῇ, καὶ πρὸς ἐκεῖνο βλέπων καὶ τὸ ἐκείνῳ συμφέρον καὶ πρέπον καὶ λέγει ἃ λέγει καὶ ποιεῖ ἃ ποιεῖ ἅπαντα·* **alterum,** ibid. IV. p. 420 B *οὐ μὴν πρὸς τοῦτο βλέποντες τὴν πόλιν οἰκίζομεν, ὅπως ἕν τι ἡμῖν ἔθνος ἔσται διαφερόντως εὔδαιμον, ἀλλ' ὅπως ὅ τι μάλιστα ὅλη ἡ πόλις.*

42, 26. tutela is the office of guardian of minors, insane persons, etc.—**42, 32. optimi cuiusque,** i. e. of the *optimates.*

86 **43, 9. dum ea conservet,** i. e. *iustitiam honestatemque.*—**quamvis graviter** = *vel gravissime.*—**43, 10. offendat,** "will suffer damage."—**illa, quae dixi,** the principles of which I have been speaking. See note on p. 38, 5.

87 **43, 12. apud eundem Platonem,** "also in Plato;" namely De Rep. VI. p. 488 B *τοὺς δὲ ναύτας στασιάζοντας πρὸς ἀλλήλους περὶ τῆς κυβερνήσεως, ἕκαστον οἰόμενον δεῖν κυβερνᾶν μήτε μαθόντα πώποτε τὴν τέχνην μήτε ἔχοντα ἀποδεῖξαι διδάσκαλον* etc.; and p. 489 C *ἀλλὰ τοὺς νῦν πολιτικοὺς ἄρχοντας ἀπεικάζων οἷς ἄρτι ἐλέγομεν ναύταις οὐχ ἁμαρτήσει.* The tenses in Cicero's translation are historical, as if depending on a past tense; but *apud eundem est Platonem* is equivalent to *dixit Plato.*

43, 18. P. Africanum, the younger; **Q.** *Caecilium* **Metellum** *Macedonicum*, consul in 611 (B.C. 143). Although they were political rivals, Metellus bade his sons to act as pall-bearers at Scipio's funeral, saying *Non fore ut postea id officium ab illis viro maiori praestari posset* (Valer. Max. IV. 1, 22).

88 **43, 24. in iuris aequabilitate,** "where all enjoy equal rights."—**43, 25. altitudo animi** is "depth of mind," ability to control and conceal one's feelings. In Ep. ad Att. V. 10, 3 Cicero says *etsi haec ipsa fero equidem fronte, ut puto et volo, bellissime, sed angor intimis sensibus . . . Itaque admirabere meam βαθύτητα*; ibid. IV. 6, 3 *Sed mehercule incipiendo refugi; ne, qui videar*

stulte illius amici intemperiem non tulisse, rursus stulte iniuriam illius faciam illustrem, si quid scripsero; et simul ne βαθύτης mea, quae in agendo apparuit, in scribendo sit oculatior.—**43, 27. inutilem,** i. e. useless for preventing the annoyance, and **odiosam,** bringing us unpopularity.

43, 28. ita . . . ut, "on condition that."

43, 31. contumelia vacare debet: *contumelia* is the look of contempt or the like, over and above the just punishment. Comp. Pac. ap Non. p. 430, 16 *patior facile iniuriam, si est vacua a contumelia.* See also § 137 below.—**43, 32. punitur,** deponent form $=$ *punit.*

89 **44, 3. appellentur,** "be spoken to," reproved.

44, 7. modo ne laudarent, "provided they did not commend" *iracundia,* which they actually do. The imperf. sub. denotes the unreality of the supposition. The Stoics held the passions to be evil; but, Tusc. Disp. IV. 19, 43, *Peripatetici perturbationes istas, quos nos extirpandas putamus, non modo naturalis esse dicunt, sed etiam utiliter a natura datas. Primum multis verbis iracundiam laudant* etc.

44, 8. Illa vero, "but in reality that."—**44, 10. legum similes,** i. e. free from any passion, punishing only upon grounds of justice. So Aristotle, Pol. III. 16 *ὁ μὲν οὖν τὸν νόμον κελεύων ἄρχειν δοκεῖ κελεύειν ἄρχειν τὸν θεὸν καὶ τὸν νοῦν μόνους· ὁ δ' ἄνθρωπον κελεύων προστίθησι καὶ θηρίον . . . διόπερ ἄνευ ὀρέξεως νοῦς ὁ νόμος ἐστίν.*

CHAPTER XXVI.

90 **44, 13. superbiam . . . fugiamus**: So Hor. Carm. II. 3 *Aequam memento rebus in arduis | Servare mentem, non secus in bonis | Ab insolenti temperatam | Laetitia.*

44, 17. de Socrate: Tusc. Disp. III. 15, 31 *Hic est enim ille voltus semper idem, quem dicitur Xanthippe praedicare solita in viro suo fuisse, eodem semper se vidisse exeuntem illum domo et revertentem. Nec vero ea frons erat, quae M. Crassi illius veteris, quem semel ait in omni vita risisse Lucilius, sed tranquilla et serena.*—**C. Laelio,** the friend of the younger Africanus; he is also compared with Socrates in De Am. 2, 11; above § 108 *in C. Laelio multa hilaritas.*

44, 18. Philippum: Iustin. IX. 8 *Huic (Philippo) Alexander filius successit, et virtute et vitiis patre maior . . . Iram pater dissimulare, plerumque etiam vincere; hic ubi exarsit, nec dilatio*

ultionis nec modus erat . . . Amari pater malle, hic metui. Comp. II. 14, 48 below.

44, 24. Africanum, i. e. *minorem.* Vell. Paterc. I. 13 *Scipio tam elegans liberalium studiorum omnisque doctrinae et auctor et admirator fuit, ut Polybium Panaetiumque, praecellentis ingenio viros, domi militiaeque secum habuerit.* — **44, 25. contentiones proeliorum** = *pugnas equestres.* —**44, 27. soleant**: The present is used to indicate the generality of the remark.—**44, 29. in gyrum,** "into the ring," where horses were trained; "into the domain of reason" etc.—**perspicerent,** the imperfect, as depending upon a past tense.

91 **44, 31. secundissimis . . . maxime,** i. e. the more prosperous our circumstances, the more we must use" etc.

45, 3. adulari; probably a passive from *adulo.*—**45, 5. cum . . . irridentur** denotes, not the time of the action of the principal clause *nascuntur . . . peccata,* but an attendant circumstance; "innumerable sins take their rise, while at the same time men puffed up with false opinions about themselves *turpiter irridentur*" etc.

92 **45, 7. Illud autem** etc.: In the sections just preceding he has spoken of fortitude in public life; he now returns to the point touched on in § 71, the life of retirement, and shows that even here the virtue under discussion may find room for exercise.—**45, 12. aut** before *investigarent* corresponds to *aut* before *interiecti; aut* before *conarentur* merely connects it to *investigarent. qui . . . continerent* are those who confined themselves to private life; *aut interiecti* etc. are those who took a middle course between the philosophers and the public men, and held themselves ready to take part in public life if occasion required.—**45, 17. potiusque**: The *que* stands where the thought requires an adversative conjunction, and is equivalent to *sed;* so § 22 *ortusque.*

45, 19. turpi quaestu: So in II. 24, 87 he says *Res autem familiaris quaeri debet iis rebus, a quibus abest turpitudo, conservari autem diligentia et parsimonia, eisdem etiam rebus augeri.* — **45, 23. pareat,** "be at the service of."

45, 23. magnifice is "nobly," in a manner above anything that is little; **graviter** is "with dignity," in accordance with *decorum;* **animose,** "bravely." The text at the end of the sentence is hopelessly corrupt.

CHAPTER XXVII.

93 **45, 26. una reliqua parte,** "the one remaining division," i. e. *σωφροσύνη*, which Cicero does not here attempt to express by any single word. Tusc. Disp. III. 8, 16 *temperans . . . quem Graeci σώφρονα appellant eamque virtutem σωφροσύνην vocant, quam soleo equidem tum temperantiam, tum moderationem appellare, non numquam etiam modestiam* etc. The Stoics, according to Stob. Ecl. Eth. II. p. 106, included under this head *εὐταξία, κοσμιότης, αἰδημοσύνη, ἐγκράτεια*; according to Diog. Laert. VII. 126 *κοσμιότης* and *εὐταξία*. Panaetius and Cicero follow the latter division, including under *κοσμιότης verecundia* and *pulchritudo*. —**45, 27. verecundia** is "modesty," regard for the feelings and opinions of others. So in De Rep. V. 4, 6 he speaks of *verecundia, quam natura homini dedit quasi quendam vituperationis non iniustae timorem*. **temperantia** is the due regulation of the passions, a matter of principle. De Inv. II. 54, 164 *temperantia est rationis in libidinem atque in alios non rectos impetus animi firma et moderata dominatio*. **modestia** (*modus*) is the objective manifestation of the quality. **que** sums up the definition. **ornatus**: Comp. Plato, Rep. IV. p. 430 E *Κόσμος πού τις ἡ σωφροσύνη ἐστὶ καὶ ἡδονῶν τινων καὶ ἐπιθυμιῶν ἐγκράτεια*.

45, 31. Huius vis ea est, etc.: In the §§ 93–100 the author describes rather than defines what is to be understood by the term *decorum*, Gr. *πρέπον*. It may be taken, he says, in a general and in a special sense. In the general sense it is coextensive with *honestum;* for nothing can be *honestum* which is not at the same time *decorum*. But the definition of the special use of the term is very obscure. In p. 45, 29 *Hoc loco continetur id, quod dici Latine decorum potest*, and in p. 46, 30 *ut id decorum velint esse, quod ita naturae consentaneum sit, ut in eo moderatio et temperantia appareat* etc., he appears to restrict the special use to the fourth virtue; but in 46, 6, and 46, 25 *aliud huic subiectum, quod pertinet ad singulas partes honestatis*, and further in 47, 22 *hoc, quod spectatur in uno quoque genere virtutis*, he seems to have in mind a special manifestation of *decorum* in each of the four virtues. The general definition in 46, 27 is clear; *decorum* is that which is in harmony with that part of the nature of man in which he excels the brute creation, that is, with his reason; and in this sense it is inseparable from all the virtues. The special definition in 46, 30, quoted above, seems to restrict the use to

the fourth virtue; and this appears to be logically correct. The expressions which contradict this definition must be attributed to haste in writing or confusion in the mind of the author; it is possible that he had in mind the Stoic idea of the unity of all the virtues. Müller, in a note on p. 47, 23, says *Mihi Cicero non intellexisse magis videtur, quid vellet, quam explanasse.*

94 . **46, 7. Nam** introduces the explanation of the preceding remark. *Nam . . . captum* shows the connection between *decorum* and *prudentia*, the first of the *tribus superioribus; et iusta . . . indecora* that between *iustitia* and *decorum; Similis . . . indecorum* that between *fortitudo* and *decorum.*—**46, 9. falli, errare,** etc.: Comp. p. 18, 5.—**46, 10. mente esse captum**: So Tusc. Disp. V. § 117 *oculis et auribus captus;* Pro Rab. § 21 *mancus et membris omnibus captus.*—**46, 14. quod contra**: So *contra* often takes the place of a whole clause or phrase; comp. p. 30, 1; 81, 20.

46, 15. pertinet quidem: The contrast to this is contained, after a change of construction, in *quod cogitatione . . . separari.*—**46, 17. sed sit in promptu**: The connection of *decorum* with *honestas* is very easy to see, when one thinks of it, but the difficulty is to state it in words. See § 94 init.

95 **46, 17. Est enim quiddam,** "For there is a certain something." So De Fin. III. 7, 23 *ut membra nobis ita data sunt, ut ad quandam rationem vivendi data esse appareant;* De Orat. III. 10, 37 *ergo haec et agenda sunt ab oratore et dicenda quodam modo.*

46, 20. venustas et pulchritudo . . . valetudine: The comparison of beauty and health with *decorum* and *virtus* was common to the Stoics. Stob. Ecl. Eth. II. p. 110 *ὥσπερ γὰρ τὴν τοῦ σώματος ὑγίειαν εὐκρασίαν εἶναι τῶν ἐν τῷ σώματι θερμῶν καὶ ψυχρῶν καὶ ξηρῶν καὶ ὑγρῶν, οὕτω καὶ τὴν τῆς ψυχῆς ὑγίειαν εὐκρασίαν εἶναι τῶν ἐν τῇ ψυχῇ δογμάτων . . . ὥσπερ τε τὸ κάλλος τοῦ σώματός ἐστι συμμετρία τῶν μελῶν καθεστώτων αὐτῷ πρὸς ἄλληλά τε καὶ πρὸς τὸ ὅλον, οὕτω καὶ τὸ τῆς ψυχῆς κάλλος ἐστὶ συμμετρία τοῦ λόγου καὶ τῶν μερῶν αὐτοῦ πρὸς ὅλον τε αὐτοῦ καὶ πρὸς ἄλληλα.*—**46, 23. mente et cogitatione,** "in theory."

96 **46, 24. discriptio duplex**: See note on 45, 31.—**46, 26. ad singulas partes honestatis**: Heine, to avoid the difficulties mentioned in the note on 45, 31, understands this expression to refer to the several parts of the fourth virtue, *constantia, moderatio, temperantia,* and *verecundia.* Cicero, he says, uses this expression because the Latin had no single term for the

Greek σωφροσύνη. But *honestas* can hardly be restricted to this sense; it denotes the whole of *honestum*. Comp. 46, 5; 46, 15; 13, 21; De Fin. II. 15, 48 *honestatis, quae tota his quattuor virtutibus continetur;* Ambros. De Offic. I. c. 46 *Est igitur decorum quod praeminet, cuius divisio gemina est. Nam est decorum quasi generale, quod per universitatem tenditur honestatis et quasi toto spectatur corpore; est etiam speciale, quod in parte aliqua enitet.*

46, 28. hominis excellentiae: Comp. § 105.

46, 30. sic definiunt, ut . . . velint, "they so define that they understand," they define it as etc. Tusc. Disp. IV. 6, 11 *Partes autem perturbationum volunt ex duobus opinatis bonis nasci* etc.; De Nat. Deor. I. 12, 29 *Empedocles . . . Quattuor enim naturas, ex quibus omnia constare censet, divinas esse vult.*—**47, 1. specie quadam liberali,** "a certain high-toned bearing," such as befits a free man, *liber*. Beier takes it to mean *excellentia ingenuae indolis*, "*Unschuld*," that characterizes a καλοκαγαθός, "*eine schöne Seele.*"

CHAPTER XXVIII.

97 **47, 3. alio loco,** namely in books of rhetoric and poetry; or, as R. Hirzel (Untersuch. etc. p. 370 n.) suggests, "under another head," for instance, c. 37.

47, 6. Aeacus aut Minos, judges in the lower regions, could not, Cicero says, have uttered such sentiments as are contained in these lines, quoted probably from the *Atreus* of Attius. See Ribbeck, Trag. Lat. Rel. p. 136 and 139. Seneca, De Ira I. 20, 4, says *qualis* (*vox*) *illa dira et abominanda: Oderint dum metuant. Sullano scias saeculo scriptam.* The second verse refers to Thyestes, whose children Atreus killed, and set before him at a banquet.

47, 14. praestantiaque animantium reliquarum, "and superiority *over* the other creatures;" comp. genitives like *contentio honorum* § 87, *consulatus repulsa* II. § 58, *ius iurandum hostium* III. § 100.

98 **47, 15. poetae . . . videbunt,** "the poets will see" etc., i. e. let us leave that to them.—**47, 17. constantiae . . . partes,** "the rôles of constancy" etc.; or, if we discard the metaphor, "the duties of constancy" etc.—**47, 21.** The sentence **et illud . . . genere virtutis** corresponds to § 96, the definitions of *decorum* in general and in particular. The discourse was interrupted by the illustration from the stage (47, 1). There is the same difficulty here with *uno quoque genere virtutis* which we found there

with *singulas partes honestatis.* Heine thinks that both refer only to the fourth virtue; but he puts *quoque* in brackets, which certainly facilitates the interpretation. Unger reads *in uno suoque genere virtutis.* See note on 45, 31.

99 **47, 30. adversus homines** is defined by *optimi cuiusque* and *reliquorum;* but the case is changed, as if *reverentia hominum* had preceded. Comp. Cic. Ep. ad Fam. XI. 11, 1 *et biduo ab Allobrogibus et totius Galliae legatos exspecto;* Sall. Iug. 23 *aut per vim aut dolis tentare.* Baiter puts *adversus homines* in brackets.

47, 32. quid de se quisque sentiat: *se* refers to a subject inferred from *arrogantis* and *dissoluti*, not to *quisque.* So De Fin. II. 24, 78 *amare est velle bonis aliquem affici quam maximis, etiamsi ad se ex iis nihil redeat.*—**48, 1. dissoluti,** set loose from every bond, obligation, or principle.

100 **48, 7. Officium,** the practical duty derived from the idea of *decorum*, has a sphere of action (*viam*, way) that leads us to what is in harmony with and preservative of nature. **primum** introduces what he says of *decorum* in connection with the first three virtues, and corresponds to *Sed*, l. 13, where he speaks of *decorum* in the narrower sense.—**48, 10. sequemurque:** *que* = *sed;* compare § 92 *potiusque*, and p. 19, 21.—**48, 12. vehemens,** here in a good sense, which is not common. Stob. Ecl. Eth. II. p. 112 *τῆς δὲ σωφροσύνης ἴδιον κεφάλαιόν ἐστι τὸ παρέχεσθαι τὰς ὁρμὰς εὐσταθεῖς καὶ θεωρεῖν αὐτὰς προηγουμένως, κατὰ δὲ τὸν δεύτερον λόγον τὰ ὑπὸ τὰς ἄλλας ἀρετὰς ἕνεκα τοῦ ἀδιαπτώτως ἐν ταῖς ὁρμαῖς ἀναστρέφεσθαι... Πάσας γὰρ τὰς ἀρετὰς τὰ πασῶν βλέπειν καὶ τὰ ὑποτεταγμένα ἀλλήλαις.*

101 **48, 17. Duplex** etc.: Cicero mainly follows the later Stoics, who, like Plato, divided the soul into the *μέρος λογικόν* and the *μέρος ἄλογον* or *ἐπιθυμητικόν.*—**vis atque natura** is "the essential constitution" of anything; so § 18 *honesti naturam vimque.*

48, 20. Ita fit . . . officii is bracketed by Baiter, and with good reason. Among other difficulties, *agere quicquam* does not correspond to *actio debet.*

CHAPTER XXIX.

102 **48, 24. discriptio officii:** The definition of duty is the same as that given in § 8; compare the note on that passage.

48, 26. praecurrant, deserant, evagantur, exultantes are said of *adpetitus* as if they were untrained horses, to be driven and governed by the reason; a figure often used by the philoso-

phers since Plato; comp. Phaedr. p. 246 B.—48, 27. **sintque tranquilli atque omni animi perturbatione careant** can hardly be said of the appetites, as they are a part of the *animus;* and doubtless for this reason *animi* is bracketed by Facciolati, Gernhard, and Heine, and omitted by Beier; otherwise we must assume that the writer loses sight of the original subject, and has in mind *homines* or something similar. In that case we may compare this with the preceding sentence *actio vacare debet . . . nec vero agere* etc. The whole passage is very carelessly written.

49, 2. perturbantur . . . corpora: It is hardly necessary to assume a zeugma here for *corpora detorquentur.* The normal condition of the body can be said *perturbari;* and the manner in which this takes place is described in the next sentence.

103 **49, 7. officii formam** is "the nature of duty;" but in § 15 *formam et tamquam faciem honesti*, with which this expression is sometimes compared, the word seems to be used rather in a figurative sense, in harmony with the following *quae si oculis cerneretur.*

49, 14. illo quidem: See note on 33, 21.—**quietibus,** "opportunities for rest," is rarely so used in the plural; see note on 27, 12. Comp. Sall. Cat. XV. 4 *neque vigiliis neque quietibus sedari poterat.*

49, 16. profusum, "immoderate," "excessive."

49, 19. honestatis actionibus = *actionibus quas honestas praescribit.*

104 **49, 21. illiberale,** "unbecoming a freeman," "low-toned." Chesterfield, Letter 188, asks: Are you sufficiently upon your guard against awkward attitudes, and illiberal, ill-bred, and disgusting habits?

49, 23. Quo genere: As examples of elegant and refined wit Cicero cites Plautus, the old Attic comedy, and the writings of the Socratic philosophers. How these three things came together in his mind it is not very easy to see. Heine remarks that Plautus and the Attic comedy are only mentioned casually. Hirzel (Unters. etc. p. 369) thinks that Panaetius, whom Cicero copies, was speaking of the old Attic comedy and the Socratic dialogues together in respect of the purity of the language and the earnest moral tone common to both; that Cicero hastily chose the examples, and used them carelessly for his own purpose; and that he added the references to Plautus and Cato to gratify his Roman readers. What he admired in the *Socratici*

may be seen from Brut. 85, 292 *Ego ironiam illam, quam in Socrate dicunt fuisse, qua ille in Platonis et Xenophontis et Aeschini libris utitur, facetam et elegantem puto.* Cato had collected and published under the title of ἀποφθέγματα a number of pointed and witty sayings.

49, 29. For **gravissimo homine** Madvig, Baiter, and Heine prefer *magno homine*, Seyffert *maximo homine*.—**49, 30. rerum turpitudini**: Comp. De Or. II. 58, 236 *Locus autem et regio quasi ridiculi turpitudine et deformitate quadam continetur. Haec enim ridentur vel sola vel maxime, quae notant et designant turpitudinem aliquam non turpiter.*

49, 32. ut ne nimis omnia profundamus, "that we may not push everything to excess;" as above § 103 he says *genus iocandi non profusum.* The commentators differ as to the meaning of *omnia.* Ernesti defines it as "*risum, clamorem, motum corporis;*" Gernhard, "*omnia ludorum genera;*" Zumpt explains "*ne totos nos quasi effundamus laetitia;*" Beier, "*futilissima vel ineptissima quaeque;*" Heine, "our personal dignity and position." The idea depends of course upon the meaning we give to *profundamus.*

50, 2. campus noster is the *Campus Martius*, the resort of the young men for athletic sports of all sorts.

CHAPTER XXX.

105 **50, 5. natura hominis . . . antecedat**: Comp. § 96 *Atque illud superius* etc.—**50, 7. feruntur**: *ferri* expresses the idea of being carried away by a power which we cannot resist; *duci* that of being led or influenced.

50, 12. sed si quis paulo erectior: The commentators differ in explaining this passage. Some, with Zumpt, say that *sed* resumes the thread of the sentence broken by the parenthesis, and that *erectior* is only a repetition of *ad voluptates propensior.* Others, as Heine for example, take *erectior* in the sense of "more high-toned;" and this seems preferable. The sentence is then: "If a person is more than ordinarily disposed to sensual pleasure (provided he be not, as some men are, quite on a level with the brutes), but if he be a little inclined to higher things, although he may be attracted by pleasure, yet he conceals and dissimulates" etc. *sed . . . erectior* then does not resume the thread of the sentence, but is simply opposed to *modo . . . genere*, with a change of construction which is common in the easy style of this treatise.

106 **50, 17. qui aliquid tribuat,** "who makes some concession," does not entirely deny himself.

50, 19. victus is rather the food, **cultus,** as referred to the body, the general care.

50, 21. quae sit in natura: Heine supplies *hominis*, which is necessary to the sense, and has some MSS. authority. Comp. § 105 init.

107 **50, 25. duabus . . . personis**: To these he adds presently, § 115, a third and a fourth.—**50, 26. communis est ex eo, quod,** "is common to us with other men from the fact that" etc. Comp. §§ 96, 105.—**50, 29. ex qua ratio inveniendi officii,** literally "from which is sought the rationale of finding out duty," i. e. on which the science of ethics is based.

108 **51, 3. L. Crasso**: *L. Licinius Crassus*, born in B.C. 140, consul 95, died 91, was the greatest orator of his time, and to him with M. Antonius is given a chief part in the De Oratore. Brut. 38, 143 *Erat summa gravitas; erat cum gravitate iunctus facetiarum et urbanitatis oratorius, non scurrilis lepos.* De Orat. II. 54, 220 *Non enim fere quisquam reperietur praeter hunc* (*Crassum*) *in utroque genere leporis excellens et illo, quod in perpetuitate sermonis, et hoc, quod in celeritate atque dicto est.*—**51, 4. L. Philippo**: *L. Marcius Philippus* was consul in B.C. 91. Brut. 47, 173 *Duobus igitur summis, Crasso et Antonio, L. Philippus proximus accedebat, sed longo intervallo tamen proximus . . . summa libertas in oratione, multae facetiae; satis creber in reperiendis, solutus in explicandis sententiis; erat etiam in primis, ut temporibus illis, Graecis doctrinis institutus, in altercando cum aliquo aculeo et maledicto facetus.*—**de industria,** "on purpose," rather the result of effort.—**51, 5. C. Caesare**: *C. Julius Caesar Strabo*, surnamed *Vopiscus* or *Sesquiculus*, aedile B.C. 90, was killed in the Marian proscription; he is also mentioned below § 133; and in De Orat. III. 3, 10. Cicero assigns to him the passage on wit in De Orat. II. 54 ff. Brut. 48, 177 *Festivitate et facetiis C. Julius, L. f., et superioribus et aequalibus suis omnibus praestitit, oratorque fuit minime ille quidem vehemens, sed nemo umquam urbanitate, nemo lepore, nemo suavitate conditior.*—**isdem temporibus** is not to be too strictly taken, as Scaurus flourished ten years before the others, and was already dead when Drusus came on the scene.—**51, 6. M. Scauro**: He is mentioned also in § 76. Brut. 29, 111 *In Scauri oratione, sapientis hominis et recti, gravitas summa et naturalis quaedam inerat auctoritas, non ut causam,*

sed ut testimonium dicere putares, cum pro reo diceret.—**M. *Livio* Druso**: The addition of *adulescente* shows that the younger Drusus is meant. Brut. 62, 222 *M. Drusum . . . gravem oratorem, ita dumtaxat cum de re publica diceret.* When tribune in B.C. 91 he tried in vain to reconcile the contending parties by compromise measures, such as dividing the judicial commissions between the senate and the equites, sending out colonies, giving the citizenship to the Italians.—**51, 7. C. Laelio**: See § 90 and note.—**51, 8. ambitio,** desire to please others. Ep. ad Fam. XIII. 5, 1 *Nam cum multi a me petant multa . . . non committo, ut ambitione mea conturbem officium tuum.* Others take *ambitio* in the sense of ambition in general; Kühner understands it to mean "ambition to appear gay."

51, 10. εἴρωνα: Brut. 85, 292 *cum de sapientia disceptetur, hanc sibi ipsum detrahere, eis tribuere illudentem, qui eam sibi arrogant; ut apud Platonem Socrates in caelum effert laudibus Protagoram . . . se autem omnium rerum inscium fingit et rudem.* Acad. II. 5, 15 *ea dissimulatione, quam Graeci εἰρωνείαν vocant.* In Quintil. IX. 2, 46 Socrates is called *εἴρων, id est, agens imperitum et admiratorem aliorum tamquam sapientum.*—**51, 11. Pythagoram**: Diog. Laert. VIII. § 20 ἀπείχετο καταγέλωτος καὶ πάσης ἀρεσκείας, οἷον σκωμμάτων.—**51, 12. Periclem**: Plut. Per. 5 οὐ μόνον ὡς ἔοικε τὸ φρόνημα σοβαρὸν καὶ τὸν λόγον ὑψηλὸν εἶχε . . . ἀλλὰ καὶ προσώπου σύστασις ἄθρυπτος εἰς γέλωτα.

51, 14. Q. Maximum: Comp. § 84.

51, 17. Iasonem: Iason, τύραννος of Pherae, by his shrewdness and bravery had made himself ταγός of all Thessaly, and had begun the same course with regard to the Grecian states that Philip afterwards took. His death in B.C. 360 prevented the further fulfilment of his plans.—**51, 18. Solonis**: The allusion is to the story of Solon, who, to avoid the penalty which the law inflicted on any one who should propose the renewal of the war for the possession of Salamis, feigned himself mad, and went about reciting an elegy which he had composed, urging the Athenians to recover the island.—**eius vita,** not *sua vita*, because Cicero gives the reason as his own, not Solon's. So Livy I. 54, 5 *Tarquinius . . . ex suis unum sciscitatum Romam ad patrem mittit, quidnam se facere vellet, quando quidem, ut omnia unus Gabiis posset, ei dii dedissent.* *ei*, not *sibi*, because the reason is given as of the messenger, not of Tarquin himself.

109 **51, 21. de insidiis** is here an adverbial expression, like *de*

industria and others.—**51, 24. Sullam**: Sallust, Iug. 95, 3, says of him *facundus, callidus et amicitia facilis, ad simulanda negotia altitudo ingenii incredibilis, multarum rerum ac maxime pecuniae largitor.*—**M. Crassum**: See § 25; Plut. Crassus 6 *καίτοι δεινότατος ἦν Κράσσος πάντας ἀνθρώπους κολακείᾳ κατεργάσασθαι.*

51, 26. Callicratidam: Lysander had obtained from the younger Cyrus considerable subsidies by his courteous demeanor; but Callicratidas, who succeeded him, went away suddenly because he had been made to wait a few days, holding it unworthy of a Greek to accept a slight from a barbarian for the sake of money.—**51, 28. alium . . . efficere**: We should expect a second *alium*, "one . . . another;" but instead of that the parallel follows in *contraque*, l. 32. *efficere* (l. 29) depends on some verb like *videmus*, which occurs to the mind after the foregoing *accepimus.*—**51, 29. unus de multis**, "one of many," "just like any one else," *εἷς τῶν πολλῶν*. Tusc. Disp. I. 9, 17 *nec tamen quasi Pythius Apollo . . . sed ut homunculus unus e multis.* Hor. Serm. I. 9, 71 *sum paulo infirmior, unus multorum.*—**51, 30. Catulo**: *Q. Lutatius Catulus*, consul B.C. 102, commanded with Marius at the defeat of the Cimbri. When the latter proscribed him, he committed suicide, B.C. 87. Brut. 35, 132 *Multae litterae, summa non vitae solum atque naturae, sed orationis etiam comitas, incorrupta quaedam Latini sermonis integritas.*—For Catulus the younger see note § 76.—**51, 31. Q. Mucio † Mancia**: Mancia is a name quite unknown, probably a corruption for some other; Heine proposes *L. Marcio*, mentioned above in § 108, *L. Philippo*. *Q. Mucius* may be the augur (Brut. 58, 212) or the pontifex maximus mentioned below § 116.

51, 32. P. Scipione Nasica: He was consul in B.C. 112, in which year he died. Cicero says of him, Brut. 34, 128 *non multum ille quidem nec saepe dicebat, sed et Latine loquendo cuivis erat par et omnes sale facetiisque superabat.*—**52, 1. patrem eius**: Brut. 28, 107 *illum Scipionem . . . cum omnibus in rebus vehementem tum acrem (L. Accius) aiebat in dicendo fuisse.* He was an arrogant man, and openly acknowledged to the people that he had killed Gracchus; but the deed was not approved by the most discreet and fair-minded of the Optimates of his time.—**52, 2. ne Xenocratem quidem** etc. seems to be an interpolation, unconnected with the rest of the passage.

CHAPTER XXXI.

110 **52, 7. sua cuique**: In other passages he uses *sua cuiusque*, as in p. 110, 16.

52, 9. est faciendum, ut . . . contendamus: This circumlocution is very common; Ep. ad Fam. X. 17, 3 *Lepidus tamen, quod ego desiderabam, fecit, ut Apellam ad me mitteret.*—**52, 13. neque enim attinet,** "for it is of no avail" etc.

111 **52, 17. Omnino si quicquam est decorum,** "if there be any such thing at all as *decorum*." *Quisquam* and *ullus* are thus used to signify *any one whatever*, *any one at all;* and the negative force of the sentences in which they stand may be seen by changing the form. In this case we might say: There is no such thing as *decorum*, unless *aequabilitas vitae* be considered as such. Comp. De Am. 2, 9 *aut enim nemo, quod quidem magis credo, aut si quisquam, ille sapiens fuit.*

52, 22. Graeca verba: Cicero says in Tusc. Disp. I. 8, 15 *Scis enim me Graece loqui in Latino sermone non plus solere quam in Graeco Latine.*

112 **52, 28. alia in causa M. Cato** etc.: In De Fin. III. c. 18 Cato is represented as discoursing on this subject, and in § 60 he says *In quo enim plura sunt, quae secundum naturam sunt, huius officium est in vita manere; in quo autem sunt plura contraria aut fore videntur, huius officium est de vita excedere.* Comp. Tusc. Disp. I. 30, 74.—**qui se in Africa Caesari tradiderunt,** i. e. after the battle of Thapsus.

113 **53, 4. Ulixes**: His patience was proverbial among the Romans. Ovid. Ep. IV. 10, 9 *Exemplum est animi nimium patientis Ulixes Iactatus dubio per duo lustra mari.*—**53, 5. Circe et Calypso**: Homer, Odyss. K, 261, H, 205.—**53, 7. contumelias servorum** etc.: Odyss. XVII. and XVIII.

53, 9. Aiax, the son of Telamon, the handsomest and bravest of the Achaeans after Achilles. **quo animo traditur** = *eo animo quo fuisse traditur*, "with the character he is said to have possessed."

53, 11. quid . . . eaque: A change of number.—**53, 14. cuiusque . . . suum**: For the sake of emphasis the reflexive stands after *quisque*, instead of the usual order, *suus quisque.*

114 **53, 15. bonorum et vitiorum,** "his good and bad qualities."

53, 18. sed sibi . . . eligunt: They select the plays in which

they can produce the best effect.—**58, 19. Epigonos Medumque,** etc.: *Epigoni* was the title of a tragedy of Attius. The rôle of Alcmaeon was perhaps the one chosen for the reason which Cicero assigns. The *Clytemestra* (l. 20) was by the same author. *Medus* was the title of a tragedy of Pacuvius. Medus was the son of Medea, who came to Colchis, and would have been killed there; but he was saved by his mother, and finally became heir of his grandfather Aeetes. *Melanippa* was freed from prison by her sons Boeotus and Aeolus, and received her eyesight from Neptune, of which she had been deprived by her father. The play was by Ennius, as also the *Aiax*, mentioned here. The *Antiopa* (l. 21) was by Pacuvius. Antiopa was defended by her sons, Amphion and Zethus, against their uncle Lycus and his wife Dirce. Of the actors here mentioned, *Rupilius* is quite unknown; *Aesopus* was the friend of Cicero, and, excepting Roscius, the most celebrated actor of his time; see De Div. I. 37, 80; Ad Herenn. III. 21, 34. The spelling Clytemestra (l. 20) has the authority of the MSS. in this and to some extent in other passages of Cicero; it was adopted by Müller and Heine in their editions, and is given as the correct one in Brambach (Aids to Latin Orthography, p. 63).

58, 22. histrio . . . videbit . . . non videbit sapiens, i. e. if an *actor* observes this *decorum* on the stage, shall not a wise man do so in common life? See Seyffert, Schol. Lat. I. p. 116.

58, 24. elaborabimus, for the imperative, or the pres. subj. *elaboremus*. This use of the future is most common in the second, more rare in the third person; comp. p. 18, 9 *quod vitium effugere qui volet . . . adhibebit . . . tempus et diligentiam*.

CHAPTER XXXII.

115 **58, 30. supra dixi,** in § 107.—**58, 32. accommodamus:** Comp. § 70 *qui se ad rem publicam accommodaverunt*.

54, 2. in casu sita temporibus gubernantur, "since they depend upon chance, are regulated by the circumstances of life;" they are the matter with which the third *persona* has to do.—**54, 3. gerere quam personam velimus,** "what character we shall maintain" in the circumstances in which we are placed. In this and the following chapters the author treats of the principles of life one may adopt and of the choice of a profession, not always keeping the two matters distinct.

54, 6. ipsarumque virtutum etc.: This is hardly in harmony

with the Stoic doctrine; they held that he who excels in one excels in all.

116 **54, 9. Q. Mucius P. f.** *Scaevola,* also called Pontifex Maximus to distinguish him from the augur, consul in B.C. 95 with Crassus, was put to death at the order of the younger Marius when Sulla attacked the capital. The study of the law was hereditary in his family; his father was especially distinguished for his knowledge of the *ius pontificium.* De Orat. I. 57, 244 *ipse ille Mucius paterni iuris defensor et quasi patrimonii propugnator sui.* He was the first to treat the law systematically; *ius civile primus constituit, generatim in libros octo et decem redigendo.*— **54, 10. Africanus,** *P. Cornelius Scipio Aemilianus,* was son of L. Aemilius Paullus Macedonicus, and was adopted by the son of Scipio Africanus the elder. Brut. 21, 82 *C. Laelius et P. Africanus in primis eloquentes, quorum extant orationes, ex quibus existimari de ingeniis oratorum potest.*

54, 18. Timotheus: De Orat. III. 34, 139 *aliisne igitur artibus hunc Dionem instituit Plato, aliis Isocrates clarissimum virum Timotheum, Cononis praestantissimi imperatoris filium, summum ipsum imperatorem hominemque doctissimum?* — **54, 14. fuisset,** i. e. had shown himself (pluperfect).

117 **54, 17. consequantur** is here equivalent to *sequantur.* Brut. 83, 287 *quid . . . tam in ipsa, quam tamen consequitur, concinnitate puerile.*

54, 24. inbecillitas consilii, "weakness of judgment." So Ep. ad Att. XIV. 21, 3 *animo virili, consilio puerili;* Pro Mur. XII. 27 *mulieres omnes propter infirmitatem consilii maiores in tutorum potestate esse voluerunt.*

118 **54, 28. Nam** often introduces something which anticipates an objection to what precedes. He has just said that, for the most part, men are obliged to make choice of a profession before they are old enough to choose wisely. *For* (*Nam*), as to the objection drawn from the story told of Hercules, his case was quite exceptional; the rest of us have no such opportunity of choice. The story is found in Xenophon, Mem. II. 1, 21, who says that Prodicus of Ceos discussed the superiority of virtue or pleasure in a dialogue, where both ideas were personified and endeavored to win Hercules each to itself. **quod** introduces the protasis of the sentence, "whereas" etc.; "as to the statement which Prodicus makes" etc. The apodosis begins at *hoc Herculi* (p. 55, 2).—**55, 8. Iovis satu edito** is perhaps quoted from some poet; and here

the solemnity of the expression gives a humorous tone to the passage. — **55, 4. quos cuique visum est,** "those whom it has pleased each person to imitate."—**55, 9. felicitate** is here "good fortune;" **bonitate,** "natural goodness of character."

CHAPTER XXXIII.

119 **55, 12. Illud:** The sentence would be complete without this; but it is used to call attention particularly to the class of persons to be spoken of, the *genus*, namely, *eorum, qui . . . habuerunt* etc.

55, 18. ex eo, quo modo (= *ex eo modo, quo*) **quisque natus est,** i. e. from his natural endowments.—**55, 19. supra;** § 110.—**55, 21. in perpetuitate vitae,** i. e. *in vita perpetua*, "throughout our lives." **constare nobismet ipsis,** "be consistent with ourselves," maintain a consistent character.

120 **55, 28. non vitiosae** is emphatic; "his nature or character, in so far as it is not faulty."—**55, 29. contulerit** = *retulerit, revocaverit.*

55, 32. morum institutorumque, his habits and rules of life.

56, 5. censent sapientes etc.: Comp. De Am. 21, 76 *Tales igitur amicitiae sunt remissione usus eluendae et, ut Catonem dicere audivi, dissuendae magis quam discindendae* etc.

121 **56, 7. ut id bono consilio fecisse videamur,** lit. "that we may be seen to have done it wisely," that the change may turn out to have been wisely made.

56, 10, si natura non feret, i. e. *non concedet, permittet.*—**possit** has an indefinite subject, "a person." — **56, 11. superioris filius Africani:** Brut. 19, 77 *is qui hunc minorem Scipionem a Paullo adoptavit, si corpore valuisset, imprimis habitus esset disertus.* In the inscription on his tomb it is said *Quei apice insigne dialis flaminis gesistei, Mors perfecit tua ut essent omnia brevia, Honos, fama, virtusque, gloria atque ingenium. Quibus sei in longa licuiset tibe utier vita, Facile facteis superases gloriam maiorum.*—**56, 13. si igitur** resumes the thread of the sentence after the parenthesis; *primum illud exceptum sit* (l. 9) and *deinde* (l. 10) . . . *illa tamen praestare debebit* (l. 15) correspond one to the other. — **56, 14. causas defensitare, populum contionibus tenere, bella gerere:** The three professions of lawyer, politician, and soldier.

CHAPTER XXXIV.

122 **56, 25. maiores natu vereri**: Heusinger quotes Phocylides, v. 207, *αἰδεῖσθαι πολιοκροτάφους, εἴκειν δὲ γέρουσιν ἕδρης καὶ γεράων πάντων· γενεῇ δ' ἀτάλαντον πρέσβυν ὁμήλικα πατρὸς ἴσαις τιμαῖσι γέραιρε*; and Ovid., Fast. V. 57, *Magna fuit quondam capitis reverentia cani inque suo pretio ruga senilis erat.*—**deligere optimos** etc.: It was a custom at Rome for young men to attach themselves to persons of high character and position, in order to gain practical training for political life and have the advantage of their example in every way. See Pliny, Ep. VIII. 14 and below II. § 47. Cicero was thus intimate with the augur, and afterwards with the pontifex Scaevola. Comp. Ep. ad Fam. XIII. 10, 2; De Am. c. 1; Tac. Dial. 34.—**56, 28. constituenda** = *confirmanda, stabilienda.*

56, 30. eorum refers to *haec aetas*, a construction according to the sense.

123 **57, 7. Nihil autem magis cavendum** etc.: So in De Sen. XI. 35 he says *pugnandum tamquam contra morborum vim sic contra senectutem* etc.—**57, 10. sin autem** generally introduces the second of two conditions. Here the first is implied in the preceding sentence = *si luxuriosi sunt senes, foedissimum est.*—**57, 12. facit . . . intemperantiam**: Plato De Leg. V. init. *Ὅπου ἀναισχυντοῦσι γέροντες, ἀνάγκη καὶ νέους ἐνταῦθα εἶναι ἀναιδεστάτους.*

124 **57, 18. iura discribere,** "mark out, define, their rights" for all.

57, 21. in re publica, "in matters pertaining to the state."

125 **57, 23. Peregrini** were strangers residing in a place for a short time; *incolae*, those living there permanently.—**57, 24. nihil de alio anquirere,** not to concern himself with the business of other people, **minimeque . . . curiosum,** and not to meddle in the slightest degree with the politics of the people where he happens to be. *curiosus* = *πολυπράγμων.*

57, 26. Ita fere etc.: When the question arises, *quid deceat* etc., the duties flowing from it will be found to be *substantially as here set forth* (*Ita fere*).

CHAPTER XXXV.

126 **57, 31.** For the division of the fourth virtue see note on 45, 26. In this chapter the author treats of *verecundia*, in c. 36–39 of *formositas* or *pulchritudo*, both parts of *κοσμιότης*, and finally,

in c. 40 ff., of *ordo rerum.*—**58, 1. formositate** (*forma*) denotes the beauty of a thing in general; **ordine,** the harmony of all the parts among themselves and with outward circumstances; **ornatu,** anything external which heightens the effect of these. The protasis of the sentence is *quoniam . . . vivamus*, the apodosis *his . . . dicantur* (l. 4).—**58, 4. quibuscum** denotes an intimate personal relation, the living together under the same roof, for instance; **apud quos** an external one, such as that of fellow-citizens or fellow-countrymen.

58, 7. formam . . . figuram: It is difficult to distinguish these in general usage; but here, and in § 130 *Formae dignitas coloris bonitate tuenda est, forma* is evidently used for the face as distinguished from *figura*, the whole shape. **in qua esset** etc. restricts the expression *reliqua figura* to so much of the person as might have a *species honesta;* hence the subjunctive.

127 **58, 12. imitata est,** "has followed the guidance of."—**verecundia,** *αἰδημοσύνη.* The Stoics, Stob. Ecl. Eth. II. p. 106, define it as *ἐπιστήμη εὐλαβητικὴ ὀρθοῦ ψόγου*: see also note on p. 45, 27. But Cicero does not discuss this part of *verecundia;* he adopts the Stoic division, but follows his own train of thought. Compare with this section De Nat. Deor. II. 56, 141.

128 **58, 21. Stoici paene Cynici:** The coarseness of the Cynic Diogenes and his sect was proverbial. Zeno, the first of the Stoics, though starting from the Cynic doctrine, did not adopt all their disregard of the proprieties of life; as Diog. Laert. VII. 3 says, *ἐντεῦθεν ἤκουσε τοῦ Κράτητος, ἄλλως μὲν εὔτονος πρὸς φιλοσοφίαν, αἰδήμων δὲ ὡς πρὸς τὴν κυνικὴν ἀναισχυντίαν.* But not all the Stoics followed him in this respect. Cic. de Fin. III. 20, 68 *Cynicorum rationem atque vitam alii* (*Stoici*) *cadere in sapientem dicunt, alii nullo modo.* Diog. Laert. VII. 121 says *κυνιεῖν τε αὐτὸν (τὸν σοφόν φασι)· εἶναι γὰρ τὸν κυνισμὸν σύντομον ἐπ' ἀρετὴν ὁδόν.*

58, 30. accubitio, that is, at meals.

129 **59, 1. Nec vero histrionibus oratoribusque concedendum est,** etc.: "Nor, indeed, is this to be allowed to actors and orators, that these matters be properly regulated in their case, while they are neglected by us." *apta* is to be taken in the same sense as when it is applied to discourse; and *dissoluta* as in Ep. ad Att. I. 19. 8, *nihil asperum . . . nec tamen quicquam populare ac dissolutum;* and Pro Flac. 9, *dissoluta consuetudo Graecorum.* Mr. Holden translates: "Nor are we to admit that, however proper

these observances of propriety may be for actors and orators, to us they may be not obligatory, indifferent." If this be the true interpretation, the datives *histrionibus* and *oratoribus* are taken from the dependent into the main clause, the logical arrangement being: *Nec vero concedendum est ut histrionibus oratoribusque haec apta sint*, etc. Ep. ad Fam. VIII. 10, 3 *nosti Marcellum, quam tardus sit.*

59, 5. subligaculo, a sort of apron or broad band worn around the lower part of the body.—**59, 7. aspiciantur non decore** = *adspectum non decorum praebeant.*

59, 7. Nostro quidem more: Plut. Cat. c. 20 *τοῦ παιδὸς παρόντος συλλούσασθαι μηδέποτε· καὶ τοῦτο κοινὸν ἔοικε Ῥωμαίων ἔθος εἶναι.*

CHAPTER XXXVI.

130 **59, 16. palaestrici motus**: The *palaestrae* were wrestling-schools where, as Quintilian, I. 11, 16, says, *gestus motusque formantur, ut recta sint brachia, ne indoctae rusticaeve manus, ne status indecorus, ne qua in proferendis pedibus inscitia, ne caput oculique ab alia corporis inclinatione dissideant;* and in II. 8, 7 he says the *palaestritae*, or teachers in these schools, *alium cursorem faciunt, alium pugilem, alium luctatorem, aliudve quid ex iis, quae sunt sacrorum certaminum. Palaestrici motus* are, then, certain movements that savored too much of the training-school.—**59, 17. ineptiis** (*in-aptus*), i. e. the gestures are so exaggerated as to be no longer fitting, and hence silly, absurd.

59, 19. coloris bonitate refers to the dark color of the southern nations, which the Romans especially prized and cultivated, not only *exercitationibus corporis* and by exposure to the sun, but by the application of ointments.

59, 22. inhumanam, unfitted to a human being, here to the human being in society, "ill-bred."

131 **59, 26. pomparum ferculis,** frames or litters on which the images of the gods or the spoils of an enemy were carried in solemn processions. So Horace, Sat. I. 3, 9, says *Nil aequale homini fuit illi: saepe velut qui Currebat fugiens hostem, persaepe velut qui Iunonis sacra ferret.* Heine and some others take *ferculis* for the bearers of the litters. Comp. Sall. Cat. 15 *colos exsanguis, foedi oculi, citus modo, modo tardus ingressus.*—**59, 27. quae cum fiunt** = *quibus, cum fiunt.* Comp. note on p. 32, 12.

59, 32. exanimationes: Tusc. Disp. IV. 8, 19 *Sic definiunt*...

examinationem metum subsequentem et quasi comitem pavoris. It is here used in a wider sense, discouragement, despair.

132 60, 2. **Motus . . . duplices sunt,** referring again to the division in § 101.

CHAPTER XXXVII.

60, 8. Et quoniam magna vis orationis est, "And since the power or importance of speech is great" in making ourselves acceptable to those with whom we associate. See p. 58, 3. Cicero would naturally have continued with *hac quoque de re pauca dicantur*, as in § 126; but the construction is changed to *contentio . . . tribuatur* etc. But the real apodosis is at l. 18 *Sed cum orationis* etc.— **60, 9. contentionis** and **sermonis** are here the subdivisions of *oratio;* labored, formal discourse, fitted to legal arguments (*iudiciorum*), to political speeches (*contionum*), to speeches in the senate (*senatus*)—and the language of conversation (*sermo*) appropriate to social gatherings (*circulis*), to discussions among friends (*disputationibus*), to casual meetings of acquaintances (*congressionibus*), and to dinners (*convivia*). For the meaning of *contentionis* comp. Cic. ad Heren. III. 13, 23 *sermo est oratio remissa et finitima cottidianae locutioni; contentio est oratio acris* etc.

60, 12. Contentionis praecepta rhetorum sunt: Rules of formal discourse drawn up by the rhetoricians exist, but there are none of conversation.

60, 14. Sed . . . magistri: Where there are learners, there you find masters, but no one cares to make a study of conversation. — **60, 16. rhetorum turba,** the crowd of scholars of the rhetoricians; comp. Hor. Sat. II. 3, 44 *Chrysippi grex.* — **quamquam,** "although" (correcting himself) a portion of the teaching of the rhetoricians, namely, that concerning the thought and the language, may be applied to this matter also; but not that concerning the delivery.

133 **60, 18. orationis indicem,** "as an exponent, organ of speech." — **60, 20. omnino a natura petundum,** "are certainly to be sought from nature," i. e. we of course must depend upon our natural endowments. — **60, 22. presse loquentium et leniter,** those who have a clear, distinct, and at the same time a smooth and agreeable utterance.

60, 22. Nihil fuit . . . ut = *Nihil fuit . . . cur.* **in Catulis**: See § 109 note. Brut. 35, 133 *Fuit in Catulo sermo Latinus; quae laus dicendi non mediocris ab oratoribus plerisque neglecta est. Nam de*

sono vocis et suavitate appellandarum litterarum, quoniam filium cognovisti, noli exspectare quid dicam. Quamquam filius quidem non fuit in oratorum numero, sed non deerat ei tamen in sententia dicenda cum prudentia tum elegans quoddam et eruditum orationis genus.—**60, 24. sed et alii,** "but so also were others," i. e. *litterati.*—**60, 26. expressae:** This word generally denotes distinct pronunciation, as in Quint. I. 11, 4 *In primis vitia, si qua sunt, oris emendet; ut expressa sint verba, ut suis quaeque litterae sonis enuntientur* etc. But here the connection shows that it denotes a fault, the opposite of *oppressae;* if we understand *oppressae* to mean "smothered," "half uttered," so that *obscurum*, uncertainty of sound, results, then *expressae* will denote excessive sharpness of utterance, "mouthed," which would be disagreeable, affected (*putidum*); Ep. ad Att. I. 14, 1 *Vereor, ne putidum sit scribere ad te, quam sim occupatus.*—**60, 27. sine contentione,** "without exertion."—**canora** is also used to denote a good quality, as in Brut. 66, 234 *voce suavi et canora;* but here it means an excess of this, a sort of sing-song, what the Italians call *cantilena*, as in Quint. XI. 3, 57 *sed quodcumque ex his vitium magis tulerim, quam, quo nunc maxime laboratur in causis omnibus scholisque, cantandi, quod inutilius sit an foedius, nescio. Quod enim minus oratori convenit quam modulatio scaenica?* Quintilian, I. 8, also mentions that C. Caesar said to a person, who recited some verses with an effeminate voice, *Si cantas, male cantas; si legis, cantas.*

60, 28. L. Crassi: See § 108.

60, 30. Caesar: See § 108. The older Catulus and he were sons of Popilia; De Orat. II. 11, 44.—**60, 31. sermone,** i. e. the style of common conversation employed in argument.

134 **61, 1. Sit ergo hic sermo:** *sermo* is grammatically the subject of *venerit, excludat, putet, videat* etc.; but Cicero has in mind the person who is carrying on the conversation. So in § 151 *Mercatura . . . si satiata quaestu . . . se in agros possessionesque contulit.* **ergo** resumes the thread of the discourse after the digression; so more commonly *igitur,* and also *sed.*—**61, 2. Socratici,** i. e. Plato, Xenophon; see note on p. 49, 23. Socrates is generally the chief speaker in the dialogues of the former; and he was *minime pertinax,* far from opinionated, *agens imperitum et admiratorem aliorum tamquam sapientum.* See note on p. 51, 10.—**61, 11. per ridiculum:** This sort of adverbial phrase became common in later writers; here it is used perhaps for the sake of variety. *Ridicule* occurs in De Orat. I. 57, 243, and II. 71, 289.

135 **61, 16. sed utcumque aderunt,** i. e. one must adapt the conversation to the persons present. **omnes . . . delectamur**: The Latin, like the English, uses the first person plural, the second singular, or the third sing. and plural, to denote an indefinite subject. Comp. *aderunt* in the line preceding; and II. 14, 50 *Id cum periculosum est . . . ut accusator nominere.* **isdem de rebus,** scil. *colloquendo* or *oratione iisdem de rebus.*

CHAPTER XXXVIII.

136 **61, 22. perturbationes . . . motus animi**: Diog. Laert. VII. 110 ἐστὶ δὲ αὐτὸ τὸ πάθος κατὰ Ζήνωνα ἡ ἄλογος καὶ παρὰ φύσιν ψυχῆς κίνησις ἢ ὁρμὴ πλεονάζουσα. See notes on p. 35, 27, and 36, 25.—**61, 24. ne aut ira existat** etc., that no passion nor want of energy may be apparent.

61, 28. incidunt necessariae, i. e. it sometimes happens that reproofs are necessary.—**61, 29. vocis contentione maiore,** as in § 133, a louder tone of voice.—**61, 30. ut . . . videamur irati**: Tusc. Disp. IV. 25, 55 *oratorem vero minime irasci decet, simulare non dedecet. An tibi irasci tum videmur, cum quid in causis acrius et vehementius dicimus? . . . Aguntur ista praeclare . . . sed aguntur leniter et mente tranquilla.* Sen. De Ira, II. 14 *Numquam ita iracundia admittenda est, aliquando simulanda, si segnes audientium animi concitandi sunt.*

61, 31. ad urendum et secandum, burning and cutting by physicians, as a means of medical treatment. Cicero often employs this figure to denote energetic action; Ep. ad Att. II. 1, 7; Catil. II. 5, 11.

137 **62, 3. Magnam partem,** in most cases. Tusc. Disp. IV. 5, 9 *Chrysippus et Stoici . . . magnam partem in his partiendis et definiendis occupati sunt.* Comp. p. 20, 8 *Maximam partem.*—**62, 5. ut . . . contumelia repellatur,** "that insult may be avoided." So below (l. 10) *iracundiam repellere.* See also note on p. 43, 31 *contumelia vacare debet.*—**62, 7. id** repeats the idea of *illud ipsum*, the subject of *esse susceptum*, for the sake of emphasis.

62, 15. militem gloriosum: The *miles gloriosus* was a favorite character borrowed from the new Greek comedy by the Romans, as for example Pyrgopolinices in the Miles Gloriosus of Plautus, and Thraso in the Eunuchus of Terence.

CHAPTER XXXIX.

138 **62, 16. volumus quidem certe,** scil. *omnia persequi.* Comp. De Senect. 2, 6 *gratissimum . . . feceris, si, quoniam speramus, volumus quidem certe, senes fieri, multo ante a te didicerimus* etc. —**62, 17. honorati,** "who has enjoyed the high honors of the state."—**62, 18. placeat**: So *Stoicis placet,* "the Stoics hold;" it is a common word for stating one's opinion on a matter of philosophy.—**62, 19. descriptio,** "the plan."—**62, 20. commoditatis dignitatisque diligentia,** "great care *for* convenience and comely appearance." So De Fin. IV. 25, 68 *diligentia rei familiaris.*

62, 20. Cn. Octavio: Cic. Phil. IX. 2, 4 *Cn. Octavii, clari et magni viri, qui primus in eam familiam . . . attulit consulatum, statuam videmus in rostris. Nam cum esset missus a senatu . . . Laudiceae in gymnasio a quodam Leptine est interfectus.* He triumphed as praetor and praefectus classi over Perseus of Macedonia in B.C. 168, was consul B.C. 165. His cousin was the great-grandfather of the emperor Augustus.—**62, 23. Palatio,** the Palatine hill, where there were many of the principal houses of the city.—**62. 24. suffragata**: *suffragari* is to vote for, support, be favorable to; here "to be of advantage to."

62, 25. ***M. Aemilius*** **Scaurus,** son of the famous Scaurus mentioned in § 76, had performed the duties of aedile with great magnificence in B.C. 58, and was afterwards praetor; but he failed (*repulsam rettulit,* l. 38) in the election for the consulship in B.C. 54. As he had been guilty of extortion in Sardinia, he was prosecuted *repetundarum,* defended by Cicero in an oration partly now extant, and acquitted. Later, however, in B.C. 52, he was convicted of bribery, and went into exile. Hence *ignominiam* and *calamitatem* in the next sentence.

62, 28. multiplicatam, i. e. *amplificatam, auctam.*

139 **62, 31. domo . . . honestanda est**: A commonplace in all literatures. Pseud. Sen. de Formula Honestae Vitae IV. 5 *nec dominum velis esse notum a domo, sed domum a domino.*—**62, 32. ratio . . . sua,** regard to one's self, one's own convenience, *ratio sui.* So the possessive pronoun is sometimes used instead of an objective genitive; as *invidia tua,* "envy of thee," *fiducia tua,* "confidence in thee," *familiaritas tua,* "friendship for thee;" sometimes also other adjectives: Pro Cluent. 28, 77 *invidia senatoria;* Tusc. Disp. IV. 33, 71 *muliebres amores.*—**63, 4. aliter,**

"otherwise," i. e. if there is no throng of visitors to require it; this condition is repeated in another form in *Si est in ea solitudo.* De Am. c. 20 *Aliter amicitiae stabiles permanere non possunt;* and below II. § 42. Comp. Verg. Georg. II. 461 *si non ingentem foribus domus alta superbis mane salutantum totis vomit aedibus undam.*—**63, 5. alio domino**: Abl. abs., denoting time.

63, 9. Dominare = *dominaris*, used passively, as many deponents were in the older language.

63, 10. in multis, "in the case of many" houses. Caesar's followers were then in possession of many palaces which had formerly belonged to the nobility; the house of Pompey had come into the hands of Antony. In Phil. II. 41, 144 Cicero seems to apply to him the verse here quoted from some unknown poet: *O tecta ipsa misera, quam dispari domino! Quamquam quo modo iste dominus? sed tamen quam ab dispari tenebantur.*

140 **63, 13. multum mali etiam in exemplo est**: In De Leg. III. c. 13, in censuring the extravagance of Lucullus, he says: *Nec enim tantum mali est peccare principes . . . quantum illud, quod permulti imitatores principum existunt.*

63, 15. L. Luculli, the victor in the third Mithridatic war. He was not only a soldier, but a man of high character and taste, and the possessor of immense wealth. Cicero lauds his virtues in the introduction to Acad. II. Pliny, Hist. Nat. IX. 54, describes his magnificent villas, and says that Pompey called him for this reason *Xerxes togatus.* Varro, R. R. I. 13, blames his extravagance; *cum Metelli ac Luculli villis pessimo publico aedificatis certant.* His name was a proverb for luxurious living; Hor. Ep. I. 6, 40.—**virtutem quis**, scil. *imitatur.*

141 This section is mainly a repetition of what has been said before, c. XXIX.

63, 26. Tertium est, corresponds with *primum*, *deinde*, the construction being changed.—**caveamus**, in the sense of *curemus*, "take care" that. So § 73.

CHAPTER XL.

142 **63, 32.** For the general division of the fourth virtue see note on p. 45, 26. *εὐταξία* is defined in Stob. Ecl. Eth. II. p. 106 as *ἐπιστήμη τοῦ πότε πρακτέον καὶ τί μετά τι καὶ καθόλου τῆς τάξεως τῶν πραγμάτων.* It thus corresponds exactly to *ordo rerum* (*εὐκοσμία*) and *opportunitas temporum* (*εὐκαιρία*), or as below (l. 6) *scientia rerum . . . collocandarum.* But it is also used to denote sym-

metry of character; and σωφροσύνη is defined, too, as εὐαρμοστία καὶ εὐταξία ψυχῆς πρὸς τὰς κατὰ φύσιν ἡδονὰς καὶ λύπας; and εὐταξία sometimes corresponds to *moderatio* in general. The division would have been clearer if Cicero had used *ordo* or *opportunitas* for εὐταξία in the limited sense which he here discusses; instead of that he uses the general term *modestia*.—**64, 2. hanc**: We should expect *hac*, referring to *scientia continentur ea*, but it is attracted to the case of *modestiam*.—**64, 4. illa est**: As in l. 2 we have *hanc* for *hac*, referring to *scientia*, so here we should expect the ablative *illa, in qua*. So Cicero often varies the expression in a series or a parallel; § 18 *unum . . . alterum est;* see also note on p. 63, 26.

64, 8. collocationis sums up the preceding definition *scientia . . . collocandarum* in one word, to compare it with that of *ordo*, which he proceeds to give. So in **locum** (l. 10) he sums up the preceding definition of *ordo*, as applied to an action, identifies that with *opportunitas temporis*, and both with the Greek εὐκαιρία = Lat. *occasio*. The last, however, includes an idea of chance, which the Greek εὐκαιρία does not convey. So that *modestia* in this narrow sense is distinguished from *modestia* in the wider sense, when used as equivalent to *temperantia*.

143 **64, 15. Sed potest . . . diximus**: But the definition just given of *modestia*, he says, might be applied also to *prudentia*, the first of the four cardinal virtues, of which he has treated *principio*, namely, in c. 6; but in the present instance he considers *modestia* only in the narrow sense, as a part of *moderatio* and *temperantia*. —**prudentiae**: φρόνησις is ἐπιστήμη ὧν ποιητέον καὶ οὐ ποιητέον; a part of this is εὐβουλία, or ἐπιστήμη τοῦ ποῖα καὶ πῶς πράττοντες πράξομεν συμφερόντως. To judge of the proper time and circumstances for doing anything is a part of *prudentia* so far as we are guided by moral considerations, but of *modestia*, εὐταξία, so far as external propriety and regard for other persons decide the matter. The latter considerations he speaks of as those *quae pertinerent ad verecundiam et ad eorum approbationem, quibuscum vivimus.*

64, 18. quae erant propria, i. e. which we found to be so when we were discussing it in c. 6. But in fact this point was not touched upon there.

144 **64, 24. oratione constanti,** a discourse of which all the parts form a harmonious whole, a studied, finished discourse.—**64, 26. convivio digna,** topics of a lighter kind, such as would only be

appropriate for conversation at dinner.—**delicatum sermonem,** "free and easy conversation;" comp. De Nat. Deor. I. 40, 111 *delicatis et obscenis voluptatibus.*

64, 28. collegam in praetura: In B.C. 444 (Ol. 84, 4) the Athenians chose Sophocles, as an expression of the pleasure they had received from his Antigone, one of the ten *στρατηγοί* in the war against Samos; Pericles was the commander-in-chief. *Praetor* was the Latin translation for *στρατηγός*. — **de communi officio,** "for conference about the business they had in common."

64, 31. At enim, Ἀλλὰ γάρ, "*But* you should not make such a remark, *for*."

65, 1. probatione=δοκιμασίᾳ, examination. Varro, R. R. I. 20 *igitur de omnibus quadrupedibus prima est probatio, qui idonei sint boves, qui arandi causa emuntur.*

65, 4. meditetur includes not only meditation but practice; *meditatio campestris* is military practice; Quint. X. 3, 30 *Demosthenes in littore meditans;* Cic. de Or. I. 61, 260 *Demosthenes perfecit meditando ut nemo planius esse locutus putaretur;* Verg. Aen. I. 2 *musam meditamur tenui avena.*—**65, 6. inhumanus,** "ill-bred."—**inscitia temporis,** "from ignorance of what was required by the circumstances."

145 **65, 8. in foro cantet,** to denote anything absurd, preposterous. Comp. III. 19, 75.—**65, 9. apparet** and **desiderat** are in the singular, as if the subject were some pronoun referring to *perversitas*, and not *ea* at the beginning of the sentence. So Tusc. Disp. II. 13, 30 *nec malum ullum, ne si in unum quidem locum conlata omnia sint, cum turpitudinis malo comparanda.*—**perversitas** (*per* and *verto*) is something that is out of place, turned the wrong way.

65, 12. Ut in fidibus etc.: In Parad. III. 26 he uses another figure, taken from the stage; *Histrio si paulum se movit extra numerum, aut si versus pronuntiatus est syllaba una brevior aut longior, exsibilatur, exploditur; in vita tu, quae omni gestu moderatior, omni versu aptior esse debet, in syllaba te peccasse dices?*

CHAPTER XLI.

146 **65, 19. magna . . . parvis,** "we shall often draw weighty inferences from trifles."

65, 20. superciliorum remissione, when one is undisturbed, **contractione,** when one is angry. So *altum supercilium* is a sign of haughtiness. Quint. XI. 3, 79 *Ira contractis, tristitia deductis,*

hilaritas remissis (superciliis) ostenditur.—**65, 23. quid eorum,** scil. *quae fiunt.* Mr. Holden translates "which of our actions is proper;" i. e. the expressions of face, etc., which we observe in others, will guide us in judging of our own conduct.—**65, 24. officio** in this connection is the same as *decoro.*

65, 27. ut magis in aliis cernamus: Sen. De Ira, c. 28 *Aliena vitia in oculis habemus, a tergo nostra sunt.*

147 **65, 30. ad ea eligenda** is taken by Heine and others as a careless expression for *ad eligendum ex iis.*—**65, 31. adhibere,** scil. *in consilium.*

66, 1. Maior enim pars etc., "For the greater part of mankind generally follow where nature herself leads," that is, in *judging* of what is becoming. Their conduct may not of course always be right; but their *moral judgments* may be relied upon, if we are careful to ascertain what they really are. The illustration drawn from the practice of the artists (l. 5) and the whole context show that this is the right interpretation. So Arist. Eth. Nic. X. 2 *ἃ γὰρ πᾶσι δοκεῖ, ταῦτ' εἶναι φαμέν· ὁ δ' ἀναιρῶν ταύτην τὴν πίστιν οὐ πάνυ πιστότερα ἐρεῖ.* But the next sentence gives the important qualification, that we must notice not only what a person *says*, but what he *thinks*, and the reasons for his opinion. The passage has been very much misunderstood.

66, 5. pictores, as, for instance, Apelles, of whom Plin., Hist. Nat. XXXV, 10, 36, says *idem perfecta opera proponebat in pergula transeuntibus, atque ipse post tabulam latens vitia, quae notarentur, auscultabat volgum diligentiorem iudicem quam se praeferens.*

148 **66, 11. agentur**: The future, contemplating cases that will happen. So below *qui magistratum habebunt.*—**66, 14. Socrates** had many habits that were *contra morem consuetudinemque civilem.* He wore no shoes, remained standing for hours on the street absorbed in meditation, and at home was not ashamed to dance alone. Xen. Symp. 2, 17 ff. **aut** has no disjunctive force here. De Or. II. 4, 16 *ut ne Sulpicius, familiaris meus, aut Cotta plus quam ego apud te valere videantur.* **Aristippus** was head of the Cyrenaic school, so called from his birthplace, Cyrene; he held that pleasure was the highest good. Cicero speaks of him in De Fin. II. 6, 18; II. 40; I. 23, 26; and below, III. 33, 116; but never with approval as here; which only shows that he is following Panaetius. See Diog. Laert. II. 66 ff.; Hor. Ep. I. 17, 23 *omnis Aristippum decuit color et status et res.*

66, 17. Cynicorum: Comp. § 128.

149 **66, 24. habere dilectum,** "to make a difference between."

66, 27. communem . . . debemus: This is often insisted upon by the Stoics. Comp. §§ 22 and 50.

CHAPTER XLII.

150 **66, 31. haec accepimus,** not from any philosophical tradition, but simply from his own observation; the remarks on this head are drawn from Roman life.

67, 1. portitorum: The *publicani* were a class of men, often of the equestrian order, who contracted with the state for the collection of the taxes from particular districts; to their calling no reproach was attached. But the *portitores* were those whom they employed for the actual collection of the taxes; and they were universally detested. — **faeneratorum,** money-lenders by profession.

67, 2. mercennariorum, those who worked for hire; but here Cicero speaks only of such *quorum operae*, whose simple labor, *non artes*, not labor requiring particular skill, are given for money.

67, 5. qui mercantur etc., i. e. the retail dealers, *propolae*, *κάπηλοι*, as distinguished from the *negotiatores*, wholesale merchants.—**67, 7. vanitate** is here used in the sense of "deception," "lying."

67, 12. ut ait Terentius, namely in Eunuch. II. 2, 26.—**67, 13. ludum talarium**: This has been shown by Hertz, Bresl. ind. lect. 1873, to have been a sort of play in which loose songs and dances were given, accompanied by cymbals and castanets. Quint. XI. 3, 57 *Quid enim minus oratori convenit, quam modulatio scaenica . . . Quid vero movendis affectibus contrarium magis quam . . . fori sanctitatem ludorum talarium licentia solvere.* The name was taken from the *stola talaris* worn by the actors.

151 **67, 15. medicina, architectura** were counted by Varro in his *disciplinarum libris* among the honorable pursuits. — **doctrina rerum honestarum** refers to philosophy and the liberal arts.—**67, 16. quorum ordini conveniunt**: These pursuits have nothing degrading, says Cicero, *inhonestum*, for those whose rank permits them to engage in them. A man of senatorial or equestrian rank could not do so; but, as he shows in § 19, they might cultivate these studies for the love of them, not for money.

67, 17. Mercatura: Trade in general was not in good repute among the old Romans; it was not considered reputable for a senator, and was sometimes forbidden by law. Liv. XXI. 63, 3

nequis senator cuive senator pater fuisset maritimam navem, quae plus quam trecentarum amphorarum esset, haberet. But something probably depended upon the scale on which it was conducted. When it was *magna et copiosa*, it was not *admodum vituperanda;* and, when a man withdrew with a large fortune, invested in landed property and became a large farmer, *videtur iure optimo posse laudari.*—**67, 22. contulit:** The subject must be supplied from *mercatura;* as often occurs, the original subject is forgotten.

67, 24. agri cultura, the only lucrative occupation a senator could engage in. Cicero extols it in the De Senect. XV. 51; and such passages often occur. Columella I. praef. § 4 says *res rustica proxima et quasi consanguinea sapientiae est.* — **67, 27. illim** = *illinc.*

CHAPTER XLIII.

152 **67, 28.** In this and the remaining chapters of the first book Cicero treats of the conflict of two *honesta.* He says that the point was not touched upon by Panaetius; and, if we may judge from a remark in § 159, he made some use of Posidonius in what he says upon it. This, however, amounts to very little, namely, that duties flowing from *iustitia* take precedence of those from *sapientia*, and also of those from *fortitudo*, but not always of those flowing from *moderatio.* The demonstration is not very clear, and the argument is interrupted by extraneous matter.

67, 31. contentio et comparatio: See note on p. 32, 24.—**68, 1. Panaetio:** See Introd. §§ 28, 29.

68, 2. partibus quattuor, i. e. the four virtues, which he here designates by different names.—**68, 4. haec** is a feminine form occasionally found in Cicero, and refers to *partes.*

153 **68, 5. Placet igitur** etc.: In the remainder of this book Cicero makes use of the Stoic arguments against the Peripatetics, who gave the preference to the theoretical over the practical life. Arist. Eth. Nic. X. 8 m.—**68, 6. ex communitate,** i. e. the duties coming under the head of justice, those which we owe to our fellow-men. — **68, 7. cognitione,** or *sapientia.*— The argument here used is also found, to prove that mankind cannot live in solitude, in De Am. 23, 87; De Fin. III. 20, 65; V. 20, 57.

68, 12. Princepsque omnium virtutum etc. When treating of the first virtue in § 18, as was then noticed, Cicero ignored the distinction here made between σοφία, or ἐπιστήμη τῶν θείων καὶ

ἀνθρωπείων, the common foundation of all the virtues, and *φρόνησις*, wisdom in the narrower sense, as applied to the practical concerns of life, *rerum expetendarum fugiendarumque scientia.* See also the definition in II. 2, 5. The distinction was as old as the time of Chrysippus. In § 20 Cicero derives justice from the interdependence of men living in society; here from the *deorum et hominum communitas et societas inter ipsos.* So the Stoics frequently did; Sext. Emp. adv. Math. IX. 181; De Fin. III. 19, 64. In § 160, below, the duties towards God are put first, though he has not mentioned them before. The construction is here very confused. The sentence would naturally run somewhat as follows: *Sapientia porro deorum et hominum communitatem et societatem inter ipsos continet; cumque princeps omnium virtutum sit, necesse est, quod a communitate ducatur officium, id esse maximum.* After *sapientia* he inserts a definition and distinction *quam σοφίαν . . . scientia,* resumes the sentence with *illa autem sapientia,* throws the main thought into a relative sentence *in qua . . . inter ipsos,* and recalls the idea *princeps omnium virtutum* in the condition *si ea maxima est,* to draw the conclusion *necesse est* etc.

68, 23. **consequatur** = *sequatur*, as in § 116.

154 68, 27. **re ipsa,** i. e. in action.

68, 28. **cupidus,** "very ardent," intently occupied. For the construction after *cupidus* comp. De Rep. I. 8, 13 *in disserendo rudes;* De Inv. II. 10, 33 *qui in illa re turpis aut cupidus aut petulans fuit.*—68, 29. **si . . . sit allatum periculum,** i. e. "if the news of danger were brought." — 69, 2. **hoc idem . . . fecerit**: *idem* is nominative.

155 69, 5. **ad hominum utilitatem** = *ad communem utilitatem,* the chief end of justice. So I. 20 *in hoc naturam debemus ducem sequi, communes utilitates in medium afferre.* See note on p. 66, 27.—69, 6. **antiquius** (*ante*), nothing should come before it, be of greater importance.

CHAPTER XLIV.

69, 11. **Lysis,** of Tarentum, is said to have written on Pythagoras and his doctrines.—**Syracosium,** the Greek form, not uncommon also in Latin. **Dionem,** the uncle of the younger Dionysius, whom he afterwards overthrew. He was at first a Pythagorean; but when Plato came to Syracuse in B.C. 389, he became one of his followers and so remained until his death in B.C. 353.—69, 13. **a doctoribus . . . instructi**: Cicero often ex-

presses his gratitude to those whose instruction he had enjoyed; comp. Introd. § 6; Pro Arch. c. 6; De Orat. c. 3; De Nat. Deor. I. 3, 6 *nos—cum minime videbamur, tum maxime philosophabamur, quod et orationes declarant refertae philosophorum sententiis et doctissimorum hominum familiaritates, quibus semper domus nostra floruit, et principes illi Diodotus, Philo, Antiochus, Posidonius, a quibus instituti sumus.*

156 **69, 25. in se ipsa vertitur,** "is employed on itself." *se* is probably ablative; comp. II. 5, 18 *virtus omnis tribus in rebus fere vertitur.*

157 **69, 27. ut apium** etc. As the bees do not form communities in order to make the honeycomb, but make the honeycomb because of their natural instinct for society; so men do not enter into society for the purpose of gaining knowledge, but they are first endowed with the social instinct, and this leads them to aim at knowledge. Hence knowledge is useless, unless it has reference to human society.—**69, 29, multo etiam magis,** i. e. than the bees.—**69, 30. congregati** is equivalent to *congregabilis* just before, the participle being used adjectively; compare *invictus, contemptus, inviolatus, intactus.*

69, 31. quae constat, "which grows out of."—**70, 1, attingat,** "accompanies," is united to.—**70, 2. itemque magnitudo animi:** The rest of this sentence is all that is said of the relation of *magnitudo animi* to *prudentia.* As it disturbs the course of the argument, and the next sentence *Ita fit* draws a conclusion, not from this, but from what precedes it, many consider the passage as spurious.

158 **70, 6. a quibusdam,** i. e. the Epicureans, who held that civil society grew out of the need of mutual protection, and of quiet for the enjoyment of life. Lucret. V. 1105 ff. In somewhat like manner, though from a higher point of view, Plato teaches that man cannot reach the highest intellectual and moral development without the state. De Rep. II. p. 369 B *γίγνεται τοίνυν πόλις, ὡς ἐγῷμαι, ἐπειδὴ τυγχάνει ἡμῶν ἕκαστος οὐκ αὐτάρκης ἀλλὰ πολλῶν ἐνδεής.*—**70, 11. virgula divina,** like the wand of Hermes (*ὄλβου καὶ πλούτου ῥάβδος*, Hymn. in Merc. 529). Comp. De Am. XXIII. 87.—**70, 13. collocaret:** We should expect *tum optimum quemque . . . se . . . collocaturum esse*, since the phrase depends upon *verum est* (l. 6). Instead of that the oratio obliqua is apparently changed to the directa. So in De Fin. III. 15, 49; Nepos. II. 7, 6.

CHAPTER XLV.

159 **70, 25. Posidonius**: See III. 2, 8, note.

70, 29. accidere tempus, scil. *tale* or *eius modi, ut intersit.* See note on p. 22, 26.

160 **70, 31. effectum sit** = *conclusum sit;* let us consider this as proved.—**70, 32. quod teneatur** = *quod versetur, positum sit in.* Ep. ad Fam. XIII. 29, 1 *sed iis (causis) etiam, quae familiaritate et consuetudine tenentur.*

71, 4. locus, i. e. the principles which may guide us in deciding any particular case. Quint. V. 10, 20 *locos appello . . . sedes argumentorum, in quibus latent, ex quibus sunt petenda.* Cic. Top. II. 7 *cum pervestigare argumentum aliquod volumus, locos nosse debemus; sic enim appellatae ab Aristotele sunt eae quasi sedes, e quibus argumenta promuntur. Locus* is strictly the field where the arguments are found.

71, 7. gradus officiorum. This subject is treated fully in c. 17, with this difference, that there the duties towards the gods were not mentioned.

BOOK II.

CHAPTER I.

1 **79, 1.** In § 1 Cicero states the subject of the second book. Before entering upon the discussion, however, he gives in §§ 2–6 the reasons which led him to the study of philosophy; and in §§ 7 and 8 he replies to the criticisms which had been made upon his choice of the Academic philosophy.— **ducerentur.** In sentences like the following: *Quem ad modum officia ducerentur, satis explicavi*, where the English uses the perfect definite, "I *have* sufficiently *explained* how duties *are* derived," the Roman felt the perfect to be indefinite, and the dependent verb was put in an historical tense, "I *explained* sufficiently how duties *were* derived;" hence when this perfect was made dependent on a present tense, being changed to the perfect infinitive, it was still regarded as indefinite, and the sequence of tenses was retained. So p. 67, 29 above; De Nat. Deor. I. 4, 8 *Quo in genere tantum profecisse videmur, ut a Graecis ne verborum quidem copia vinceremur;* Cic. Man. 10, 27 *satis mihi multa verba fecisse videor, quare hoc bellum esset necessarium.* — **79, 2. atque ab omni genere,** "and indeed from all the constituent parts of virtue." See I. 5, 15. *atque* adds a stronger expression, as on p. 69, 29 *ac multo magis;* De Leg. III. 14, 32 *pauci atque admodum pauci.*

79, 5. facultatem, the power of controlling anything; comp. I. § 9. **opes** means one's position, influence, **copias,** his wealth, resources.

79, 9. de instituto ac de iudicio meo, concerning my present undertaking and my adopting in particular the doctrines of the Academic school.

2 **79, 9.** The following preface should be compared with that of the De Natura Deorum. Heine remarks that in the works of Cicero written during the years B.C. 44 and 43 the prefaces are much less carefully elaborated than in the De Legibus and the De Re Publica, containing but few ideas, and those constantly repeated. In Ep. ad Att. XVI. 6, 4 Cicero says *habeo*

volumen prooemiorum; ex eo eligere soleo, cum aliquod σύγγραμμα instituí. — **79, 10. ad legendi, . . . ad scribendi studium**: De Nat. Deor. I. 4, 8 *eoque me minus instituti mei paenitet, quod facile sentio quam multorum non modo discendi, sed etiam scribendi studia commoverim.* It is not known to whom Cicero refers.— **79, 12. bonis viris**: See note on p. 18, 32. In De Nat. Deor. I. 3, 5 Cicero speaks of the *benivoli obiurgatores* and the *invidi vituperatores*, who have made the same criticism that he here notices.— **philosophiae nomen** is a paraphrase for *philosophia;* our English expression, "the very name of philosophy," would be out of place here. Comp. III. § 101 *utilitatis nomen;* De Leg. II. 5, 13 *multa . . . quae non magis legis nomen adtingunt, quam si latrones aliquas consessu suo sanxerint;* De Am. 25, 92 (*simulatio*) *delet enim veritatem, sine qua nomen amicitiae valere non potest.* The study of philosophy was regarded with some distrust by the Romans, who looked at everything from a practical point of view. Tacitus, Agric. c. 4, says *memoria teneo ipsum narrare se in prima iuventa studium philosophiae acrius, ultra quam concessum Romano ac senatori, hausisse, ni prudentia matris flagrantem animum coercuisset.* Comp. Tusc. Disp. II. 1, 1.— **79, 13. mirentur**: The subject must be supplied from *bonis viris.*

79, 17. dominatu unius, scil. *I. Caesaris.* Comp. De Nat. Deor. I. 4, 7.— **79, 18. socios . . . amisissem**: Ep. ad Fam. IV. 13, 2 *careo cum familiarissimis multis, quos aut mors eripuit nobis aut distraxit fuga, tum omnibus amicis, quorum benevolentiam nobis conciliarat per me quondam defensa res publica.* The allusion is to Q. Catulus, C. Piso, the two Luculli, Pompeius, P. Servilius, and others, who are enumerated in Phil. II. 5, 12.— **79, 21. rursum** (*re-versum*), "on the other hand."

3 **79, 22. quo coeperat, statu,** i. e. directly after Caesar's murder, when there seemed to be some hope of a restoration of the government. Tac., Ann. I. 9, says of it *libertas improspere repetita.* Cic. de Div. II. 2, 7 *Nunc quoniam de re publica consuli coepti sumus, tribuenda est opera rei publicae, vel omnis potius in ea cogitatio et cura ponenda.*— **79, 23.** By **homines . . . cupidos** he means Antonius and his followers.

80, 2. actiones nostras, i. e. arguments in the courts and public assemblies, and speeches in the senate; he calls them in the next sentence *litterae forenses et senatoriae.*

80, 4. nulla esset omnino, "no longer existed at all;" *nulla*, as often, equals a strong *non.*— **80, 5. scilicet,** "of course."

4 **80, 6. Nihil agere autem cum animus non posset**: So p. 18, 22 *agitatio mentis, quae numquam adquiescit.*— **80, 7. ab initio versatus aetatis**: Cicero often refers to his love of philosophical studies. See Introd. §§ 6, 7; and the quotation from De Nat. Deor. in note on p. 69, 13; and De Div. II. 2, 7 *Quod cum accidisset nostrae rei publicae* (i. e. *teneri a singulo*), *tum pristinis orbati muneribus haec studia renovare coepimus, ut et animus molestiis hac potissimum re levaretur et prodessemus civibus nostris, qua re cumque possemus.*

80, 10. honoribus inservire, i. e. to fill the high offices in the state. — **80, 12. quantum superfuerat . . . temporibus,** "as was left over from the exigencies" etc. *temporibus* is dative. Div. in Caec. 13, 41 *omne tempus, quod mihi ab amicorum negotiis datur, in his studiis . . . consumam.*

CHAPTER II.

5 **80, 22. Sapientia**: For the definition see notes on p. 17, 32 and 68, 13; Tusc. Disp. IV. 26, 57 *sapientiam esse rerum divinarum et humanarum scientiam cognitionemque, quae cuiusque rei causa sit.* The latter part of the definition (*et horum causas*) was frequently omitted by the Stoics. Sen. Ep. XIV. 1, 5, *quidam ita* (*finierunt*)*: sapientia est nosse divina et humana et horum causas. Supervacua mihi videtur haec adiectio, quia causae divinorum humanorumque pars divinorum sunt;* i. e. the study of the causes is included in the knowledge itself.

6 **80, 26. sive** corresponds to *sive* in the next sentence, and each condition has its own conclusion. The construction is not unusual; so Ep. ad Att. VIII. 9, 3 *nam sive timuit, quid ignavius? sive meliorem suam causam fore putavit, quid iniustius?* **oblectatio**: Heine observes here that *oblectatio* always denotes a passing pleasure, an amusement, in contrast to *delectatio;* Mr. Holden adds "in a lower sense than *delectatio.*" But the examples do not warrant this; De Am. 27, 103 *Equidem ex omnibus rebus, quas mihi aut fortuna aut natura tribuit, nihil habeo, quod cum amicitia Scipionis possim comparare. In hac . . . requies plena oblectationis fuit;* and in De Fin. V. 19, 53 Piso says that the old philosophers drew a picture of the future life of the wise in the islands of the blest; they would spend all their time in the study of nature. *Nos autem non solum beatae vitae istam esse oblectationem videmus, sed etiam levamentum miseriarum.* — **80, 28. quod spectet . . . vivendum**: De Fin. III. 2, 4 *Ars est enim philo-*

sophia vitae. The Stoics held that the end of all philosophy was to lead a virtuous life; and, as this consisted in a harmony with the general constitution of nature, a knowledge of this general constitution was a necessary condition. It thus happens that philosophy is spoken of both as the *studium sapientiae* and as an *ars vivendi*, these being inseparable one from the other. So in our text, above l. 21, and in the present passage. Sen. Ep. 89, 8 *Philosophia studium virtutis est, sed per ipsam virtutem;* Plut. Plac. pro. 2 *οἱ μὲν οὖν Στωϊκοὶ ἔφασαν, τὴν μὲν σοφίαν εἶναι θείων τε καὶ ἀνθρωπίνων ἐπιστήμην· τὴν δὲ φιλοσοφίαν ἄσκησιν τέχνης ἐπιτηδείου.*—**80, 29. sive ratio . . . ducitur,** "or if regard is had;" like *ratio habetur.*—**80, 30. haec ars est aut nulla omnino,** this art is the one by which we attain them or there is none at all. *ars* is here a system, a practical way of attaining a thing. Brut. 41, 152 *iuris civilis magnum usum et apud Scaevolam et apud multos fuisse, artem in hoc uno . . . hic enim attulit hanc artem omnium artium maximam ad ea, quae confuse ab aliis . . . agebantur.* So sometimes *disciplina.*

80, 32. maxumarum rerum are those about which philosophy is concerned; De Nat. Deor. I. 1, 2 *Anaxagoras, vir summus in maximarum rerum scientia.*

81, 6. alio quodam libro: De Div. II. 1, 1 *nam et cohortati sumus, ut maxime potuimus, ad philosophiae studium eo libro, qui est inscriptus Hortensius.* This book is no longer extant; but St. Augustine says of it in the Confessions, III. c. 4: *Ille liber mutavit affectum meum, et ad te ipsum, Domine, mutavit preces meas, et vota ac desideria mea fecit alia.*

7 **81, 9. Occurritur,** "It is objected."—**81, 10. videamur,** scil. *nobis;* it depends on a verb of asking supplied from *Occurritur.* Comp. p. 21, 30.—**81, 11. percipi** (*per* and *capio*), "be clearly perceived" so as to be known; *perceptio, comprehensio, κατάληψις* are knowledge leaving no room for doubt. Acad. II. 6, 17 *cognitio aut perceptio, aut . . . comprehensio, quam κατάληψιν (illi Academici) vocant.*

81, 14. ii, quorum vagetur animus errore: So in De Nat. Deor. I. 5, 12 *Non enim sumus ii, quibus nihil verum esse videatur.*

81, 18. Nos autem, i. e. the Academics. See Introd. § 8.

8 **81, 21. quae contra,** "and those which are the contrary;" comp. note on p. 46, 14.—**81, 23. temeritatem,** rashness in judgment; see note p. 18, 8. Acad. I. 12, 45 *Arcesilas . . . censebat . . . nihil oportere neque profiteri neque adfirmare quem-*

quam neque adsensione approbare cohibereque semper et ab omni lapsu continere temeritatem, quae tum esset insignis, cum aut falsa aut incognita res approbaretur.

81, 26. contentio, "a contrasting," "a comparison;" comp. note on p. 32, 24. Acad. II. 3, 8 *nec inter nos et eos, qui se scire arbitrantur, quidquam interest, nisi quod illi non dubitant, quin ea vera sint, quae defendunt, nos probabilia multa habemus, quae sequi facile, adfirmare vix possumus.*

81, 27. in Academicis: II. c. 20 ff.

81, 29. Cratippo: See note I. 1, 1.—**81, 30, iis,** scil. *Peripateticis et Theophrasto.*—**81, 31. finituma vestris:** See I. 1, 2 *nostra non multum a Peripateticis dissidentia.*

CHAPTER III.

9 **82, 1. officii persequendi,** "of pursuing duty," i. e. "of investigating" it.—**82, 2. pertinerent:** The tense is determined by the past participle **propositis**; i. e. when we were laying out the plan of the treatise. See I. 3, 10.—**82, 4. eligendi iudicium** = *electio;* see Nägelsbach, Lat. Styl. p. 139.—**82, 5. honestatis pars,** the portion of the discussion devoted to the *honestum,* **confecta est,** in the first book.

82, 11. pernicies maior, "more pernicious error;" comp. III. § 11 *Itaque accepimus Socratem exsecrari solitum eos, qui primum haec natura cohaerentia opinione distraxissent.*

10 **82, 12. Summa quidem auctoritate philosophi** etc.: This passage offers some difficulties, and has been variously understood by the commentators. In the preceding sentences he has spoken of the separation in common language of the *utile* from the *honestum;* that is, the popular idea (1) of the *utile* is that of expediency apart from any consideration of right. Besides this there is the true idea (2) of the *utile,* expediency inseparable from the right; and the absolute right (3) itself, *honestum.* In l. 12 he goes on to say: It is true, philosophers of the highest authority distinguish in theory (*cogitatione*) these three things that are by nature intimately connected (*confusa*), and they do this *severe sane atque honeste,* with a strictly moral and honorable intent. For *confusa* comp. De Or. II. 43, 177 *ut re distinguantur, verbis confusa esse videantur.* For *cogitatione,* above p. 46, 17 *Est enim quiddam . . . quod cogitatione magis a virtute potest quam re separari.* For *sane,* De Fin. II. 7, 21 *At ille non pertimuit saneque fidenter, Istis quidem ipsis verbis, inquit.* The philosophers

alluded to are the Peripatetics who considered to be *bona* and *utilia* many things which were not necessarily *honesta.* The train of thought is naturally continued in *Quod qui* etc. (l. 17), and most of the commentators consider the next sentence *Quicquid . . . sit utile* as an interpolation.—The expression *haec tria genera* (l. 14) is the point upon which the commentators differ. Heine understands it to refer to: 1. The absolute *honestum*, which is at the same time *utile;* 2. The *honestum quod non esset utile;* 3. The *utile quod non esset honestum.* But there was no previous mention of two *honesta;* and although Cicero makes a distinction in III. § 17 between the *vere honestum* and that *quod communiter appellamus honestum*, yet that distinction is not in point for our passage. Other commentators refer the *tria genera* to the *honestum*, *iustum*, and *utile* of the following sentence. But there is really no difference between the first two so far as concerns this passage. The two sorts of *utilia* are repeatedly referred to in the third book, the real *utile*, and *id quod utile videtur;* comp. §§ 18, 46, 56.

82, 18. qui parum perspiciunt, i. e. who do not see that these philosophers make this distinction only as a matter of theory for the purpose of discussion, not meaning to recognize thereby any substantial difference. **versutos . . . callidos**: Cicero defines them thus: De Nat. Deor. III. 10, 25 *versutos eos appello, quorum celeriter mens versatur; callidos autem, quorum tamquam manus opere sic animus usu concalluit.*

82, 21. ut . . . se intellegant . . . posse: The pleonasm is not unusual; *ut . . . possint* would be sufficient. Cic. Leg. Man. 13 *tum facilius statuetis, quid apud exteras nationes fieri existemetis.*

11 **82, 23. Quae ergo ad vitam hominum tuendam pertinent**: *ergo* resumes the discussion, which was interrupted by the digression in regard to the popular use of the term *utile* (l. 8). The *utile* comes to us from all external objects; but it is only in relation to the *ratione utentibus* (l. 28) that we exercise any duties. They are the Gods and men. The Gods are satisfied by *pietas* and *sanctitas;* and the whole subject of duty under the head of the *utile* is therefore mainly restricted to the treatment of our fellow-men so as to make them useful to us, and to prevent their doing us injury. — **82, 25. ea, quae gignuntur e terra**: We should say "plants," but the Romans had no word exactly corresponding.

82, 27. Eorum, i. e. *animalium.*

82, 32. Deos placatos . . . efficiet, "will make the Gods favorable" to us. **pietas** is the feeling of loyalty and affection towards the Gods, **sanctitas,** uprightness and holiness of life.

12 **83, 3. deos nocere non putant**: Comp. III. § 102.

83, 5. Ea enim ipsa: *enim* here introduces the reason or development of the idea of the preceding section, and would follow naturally on *hominibus maxume utiles esse possunt* (l. 1). The passage *Earumque . . . arbitrantur* is very possibly an interpolation.

13 **83, 9. frugum** and **fructuum** denote, the former the fruits of the field, the latter more strictly those of the trees.

83, 16. nec ferrum, aes, aurum, argentum: This is probably a quotation from some tragic poet, perhaps from the Prometheus of Attius; the passage seems to be an imitation of Aeschyl. Prom. 502: *ἔνερθε δὲ χθονὸς κεκρυμμέν' ἀνθρώποισιν ὠφελήματα, χαλκόν, σίδηρον, ἄργυρον, χρυσόν τε τίς φήσαιεν ἂν πάροιθεν ἐξευρεῖν ἐμοῦ*: comp. De Nat. Deor. II. 60, 151.

CHAPTER IV.

83, 20. subveniri, scil. *eis potuisset* (impersonal); see below p. 84, 7. The reading of the MSS., *subvenire*, is given by Müller; but for that it would be necessary to supply *homines potuissent*, which makes a very awkward sentence, and disturbs the train of thought. — **83, 22. communis vita** = *vitae communitas*, "society."

14 **83, 29. potuisse** would be *poteramus* in the oratio directa, an apodosis, of which the protasis is *sine hominum manu*. See note on p. 12, 20.

83, 31. principes inveniendi, "the first to find out;" as in Phil. VII. 8, 23 *principes pecuniae pollicendae.*

15 **84, 8. victus** and **cultus** have probably the same meaning here as in I. § 106 *victus et cultus corporis.* In the next sentence the same expression is used, with some violence, in relation to the lower animals.

84, 12. ex quo: The relative refers, not to *coetu* alone, but to the whole sentence *Urbes . . . frequentari.*

CHAPTER V.

16 **84, 21. bello**: The ordinary expression is *belli domique;* but Livy has I. 34, 12 *bello domique;* IX. 26, 21 *domi belloque;* IV. 35, 3 *neque bello neque domi.*

84, 29. Dicaearchi: He was of Messina, in Sicily, a pupil of Aristotle, acquired great fame by his geographic and historical writings, as well as by those on philosophy; but he seems not to have followed the system of Aristotle in all points. Among his numerous writings were Βίος τῆς Ἑλλάδος, an account of the geography, politics, manners and customs of Greece, in three books; and Γῆς περίοδος. The philosophical works were apparently written in the form of dialogue, and were popular in style. So the Κορινθιακοί and Λεσβιακοί mentioned in Tusc. Disp. I. 10, 21 and 31, 77.—**84, 30. copiosi,** "rich in language;" so also De Orat. II. 53, 214 *multa et varia et copiosa oratio.*—**84, 31. ceteris causis eluvionis**; "the other causes, namely, inundations" etc. The genitive specifies the contents of the generic word *causis;* as *virtus continentiae*, the virtue of self-control, *vox voluptatis*, the word "pleasure."—**vastitatis,** sterility, i. e. of places where men might be wandering; for instance, the army of Alexander perished in Gedrosia, that of Cambyses in Aethiopia. Prov. Cons. 3, 5 *milites populi Romani . . . incuria, fame, morbo, vastitate consumpti.* Comp. De Nat. Deor. II. 5, 14. **beluarum,** not only wild beasts, but mice, scorpions, serpents, locusts, and such like. —**85, 1. quaedam genera** = *quaedam gentes.*—**deinde comparat**: The natural expression would have been *causas colligit, deinde comparat; deinde* emphasizes somewhat the connection of the participle *collectis* and the verb.—**85, 3. omni . . . calamitate**: See note on p. 27, 12.

17 **85, 8. Itaque**: The passage *quae . . . operosis* is co-ordinate with *hominum . . . excitantur* as it stands, but in sense it is subordinate; "And so, whereas the mechanic arts give us the utilities derived from inanimate things and from beasts, the services of men are gained" etc. So I. 1, 2 *de rebus ipsis utere tuo iudicio*, i. e. however you may follow your own judgment in the *matter*, yet etc.; see the note on that passage.—**85, 10. artibus operosis,** "the mechanic arts," as opposed to *artes liberales;* to these correspond in the latter part of the sentence *sapientia et virtute.* The text here is very uncertain. Heine, after Madvig, reads *morum praestantia* [*sapientia*] *et virtute;* Baiter II. reads as in our text, omitting the brackets.

18 **85, 13. Etenim virtus omnis**: The division of *virtus* given in this section does not correspond with that laid down in § 15, or even with that into the theoretical and practical virtues, attributed to Panaetius, mentioned in §§ 16, 17. It corresponds more near-

ly to that of Aristotle and the Peripatetics, τῆς διανοητικῆς καὶ τῆς ἠθικῆς ἀρετῆς. *una in perspiciendo* etc. might correspond to *sapientia*, *alterum cohibere motus* etc. to *temperantia*, *tertium* etc. to *iustitia*. Facciolati and Beier consider the whole passage spurious. The division is very similar to that in Orat. Part. 22, 76 *Est igitur vis virtutis duplex: aut enim scientia cernitur virtus aut actione. Nam, quae prudentia, quae calliditas quaeque gravissimo nomine sapientia appellatur, haec scientia pollet una. Quae vero moderandis cupiditatibus regendisque animi motibus laudatur, eius est munus in agendo; cui temperantiae nomen est. . . . Temperantia autem in suas itidem res et in communes distributa est.* (*Fortitudo* is included under *temperantia*.) *In communione autem quae posita pars est, iustitia dicitur, eaque erga deos religio, erga parentes pietas . . . nominatur.* — **85, 17. alterum cohibere**: A change of construction for *alterum est in cohibendo*, corresponding to *una est in perspiciendo*.— **85, 21. quorum studiis . . . habeamus**: Subjunctive of purpose.

CHAPTER VI.

19 **85, 29. Magnam vim esse** etc.: In this and the following sections he shows that the part of chance in the affairs of life is comparatively small; that many events even which seem to be fortuitous could only occur by the agency of man.

86, 1. Haec ipsa fortuna, "This fortune of itself," i. e. *sine hominum studiis*.

20 **86, 5. proxime trium,** namely, that of Pompey at Pharsalia, that of Scipio, father-in-law of Pompey, at Thapsus, and that of Pompey's sons at Munda. **saepe multorum**: See note on p. 38, 23. Oftener *saepe* is equivalent to *frequens* agreeing with the noun. So below (l. 7) *saepe civium expulsiones*, expulsions often occurring. — **86, 6. summi . . . viri,** Pompey.— **86, 8. calamitates,** probably "condemnations," **fugae,** voluntary exile, **rursus,** as in § 3. — **86, 10. neutram in partem** is pleonastic and awkward. "All these kinds of disaster, and all these forms of good fortune, cannot be effected *on either side*" etc.

21 **86, 17. aut benivolentiae gratia**: Men render services to others, Cicero says, from some one of six motives, *aut benivolentiae gratia*, to show their good feeling, *aut honoris* (*gratia*), to do them honor, *aut cui fidem habent*, or (they render services to those) in whom they have confidence, *aut cuius opes metuunt*, or those whom they fear, *aut contra . . . exspectant*, or those from

whom they expect something, *aut postremo pretio ac mercede ducuntur*, or they are induced (to be serviceable) by hope of payment. The changes of construction are curious: at the third *aut* the relative sentence is introduced; at the last one the verb is changed from *tribuunt* to *ducuntur*. The six topics are treated in pairs; *benivolentia* and *metus* as far as § 30, *honos* and *fides* to § 51, *liberalitas* and *corruptela* in c. XV to XXIV. But, as the means for gaining good-will, honor, and trust from one's fellows are much the same in all cases, the various topics are very easily confused.

22 87, 1. **Ducuntur enim** etc.: The motives here are the same as those given in the preceding section, *benivolentia et beneficiorum magnitudine* falling under one head. Instead of *et* the MSS. have *aut*.—87, 4. **ut saepe . . . videmus,** i. e. in the case of such men as Antonius, who gained the support of the former soldiers of Caesar by money, or such as Clodius and Milo, who kept in their pay bands of gladiators.

CHAPTER VII.

23 87, 8. **Ennius,** in the Thyestes, according to Ribbeck, Trag. Lat. Reliq. p. 268. Comp. the quotation from Attius, I. 28, 97.

87, 10. **Multorum . . . nuper est cognitum**: The allusion is to the assassination of Caesar; yet this was not the result of *multorum odiis*, but only of a few. Cicero writes under the influence of strong personal and party feeling.

87, 13. **paretque cum maxume mortuo**: Antonius had a law passed by the senate that all the ordinances of Caesar should continue to be valid, not only those already promulgated, but those found among his papers, and under this pretence he carried through many of his own orders; hence Cicero says that the state *ei parere mortuo*. The relative *cui* is omitted before *paret*. For the text, see the Adnotatio critica. *cum maxume* is a strong adverbial expression; the state obeys him now that he is dead as much as it could have done, *cum maxume*, when it obeyed him most exactly.—87, 16. **custos diuturnitatis,** "safeguard of lasting possession."—87, 17. **benivolentia fidelis**: Plutarch, Caes. c. 57, says that Caesar aimed to found his authority on this: *τὴν εὔνοιαν ὡς κάλλιστον ἑαυτοῦ ἅμα καὶ βεβαιότατον ἑαυτῷ περιβαλλόμενος φυλακτήριον.*

24 87, 18. **imperio,** strictly speaking, military authority; here authority similar to it.—87, 21. **nihil potest esse dementius,**

for *nemo potest* etc., an idiom common in many modern languages. De Am. c. 15 *Neque quicquam insipiente fortunato intolerabilius fieri potest.*

87, 23. libertas, the desire of liberty; see note on p. 28, 12. — **87, 24. iudiciis tacitis,** any manner of allowing one's opinion to be inferred without declaring it.— **occultis de honore suffragiis**: Sueton. Div. Iul. 80 *post remotos Caesetium et Marullum tribunos reperta sunt proximis comitiis complura suffragia consules eos declarantium.*

87, 25. morsus generally denotes, in its tropical signification, the pain or vexation of a thing; here it denotes "the resistance."

25 **88, 1. Quid enim censemus**: *Quid censes*, as well as some other phrases, is often used elliptically to introduce the proof of a preceding proposition, or to add something more striking or important; and the accusative in the dependent acc. with inf. frequently precedes it as a sort of object of *censes*. So in this case *Dionysium*. Comp. Pro Rosc. 17, 49 *Quid censes hunc ipsum Sex. Roscium, quo studio et qua intellegentia esse in rusticis rebus?* In l. 4, *quid Alexandrum Pheraeum* (scil. *censemus*) etc., *arbitramur* is added at the end. See Seyffert, Schol. Lat., I. p. 46.— **88, 2. superiorem illum Dionysium,** the elder Dionysius, ruler of Syracuse from B.C. 406–367. The story is told at length in Valer. Max. IX. 13, 4; Tusc. Disp. V. 20, 58 *ne tonsori collum committeret, tondere filias suas docuit. . . . Et tamen ab ipsis, cum iam essent adultae, ferrum removit instituitque, ut candentibus iuglandium putaminibus barbam sibi et capillum adurerent.*

88, 4. Alexandrum Pheraeum: His wife, Thebe, was the daughter of Iason (I. § 108), and killed him with the help of her brothers. See Plutarch and Corn. Nepos in their lives of Pelopidas. — **88, 8. conpunctum notis Thraeciis,** i. e. tattooed after the manner of barbarians. Herod. V. 6 καὶ τὸ μὲν ἐστίχθαι εὐγενὲς κέκριται, τὸ δὲ ἄστικτον ἀγενές. The addition serves to bring out more strongly the barbarity of the man who trusted such savages rather than his own wife.— **88, 11. ne quod . . . occultaretur**: The construction as if the clause depended on a verb meaning "to take care" or the like.

88, 13. Nec eum fefellit: The verb is impersonal; lit. "Nor did it escape him," he was perfectly right; Ep. ad Att. XIV. 12, 2 *sed nos, nisi me fallit, iacebimus.*

26 **88, 16. Phalaris,** of Agrigentum, in Sicily. Very little is certainly known of him, but his name was a proverb among

philosophers and orators for cruelty. His death is recounted in various ways. Comp. III. § 29.—**88, 17. praeter ceteros** = *praeter ceterorum crudelitatem;* see note on p. 11, 17.—**88, 18. interiit . . . a paucis,** like the Greek *ἀποθνήσκειν ὑπό τινος*; *non a paucis interfectus est.* Acad. I. 7, 28 *nihil enim valentius esse, a quo intereat.*—**88, 19. hic noster**: I. Caesar.

88, 20. Macedones: *Demetrius Poliorcetes* became ruler over Macedonia in B.C. 294. In 287 he marched into Asia against Lysimachus, but was called back by the incursion of Pyrrhus of Epirus into Macedonia; his army forsook him, and he fled to Greece.

88, 22. Lacedaemonios: Isocr. Περὶ εἰρήνης § 100 *οὐδὲν ἐπαύσαντο τοὺς μὲν ἄλλους κακῶς ποιοῦντες, αὐτοῖς δὲ τὴν ἧτταν τὴν ἐν Λεύκτροις παρασκευάζοντες, ἥν φασί τινες αἰτίαν γεγενῆσθαι τῇ Σπάρτῃ τῶν κακῶν, οὐκ ἀληθῆ λέγοντες. οὐ γὰρ διὰ ταύτην ὑπὸ τῶν συμμάχων ἐμισήθησαν, ἀλλὰ διὰ τὰς ὕβρεις τὰς ἐν τοῖς ἔμπροσθεν χρόνοις καὶ ταύτην ἡττήθησαν καὶ περὶ τῆς αὐτῶν ἐκινδύνευσαν.*

CHAPTER VIII.

88, 26. quam diu etc.: The formal apodosis of the sentence begins at *bella aut pro sociis;* but this and the rest of the sentence might form a protasis as well; and the apodosis would logically be found in *Sensim . . . amisimus* (89, 2), continued by *Iure igitur plectimur* (l. 19), and *Atque in has clades . . . malumus* (90, 1). The sense of the whole passage is, that as long as the Romans relied upon the good-will of other nations they were strong; when that was lost, they became weak.—**88, 27. pro sociis,** for instance, against the Samnites in behalf of Capua; **de imperio,** "for supremacy."—**88, 29. necessarii,** i. e. severity was used only when necessity required, as in the case of Corinth, Carthage, and Numantia. Comp. Sallust Cat. c. 9 and 12.—**88, 30. portus . . . senatus**: So Plut., II. 317 A, calls Rome *πᾶσαν ἀνθρώποις ἑστίαν ἱερὰν ὡς ἀληθῶς καὶ ὀνησιδώραν καὶ πεῖσμα μόνιμον καὶ στοιχεῖον ἀΐδιον.* Comp. Sall. Iug. c. 14.

27 **89, 6. in illo,** "in his case," i. e. Sulla's. Sallust Cat. c. 11 *Postquam L. Sulla, armis recepta re publica, bonis initiis malos exitus habuit.* The *causa* is called *honesta* as being that of the nobility against Marius; the *victoria* was *non honesta* because of its cruelty.—**89, 8. hasta posita** was the sign of a sale by auction, here of the goods of proscribed persons.—**89, 10. praedam se suam vendere**: Cic. Verr. III. 35, 81 *unus adhuc fuit post Ro-*

mam conditam, cui res publica se totam traderet. . . . L. Sulla. Hic tantum potuit, ut nemo illo invito nec bona nec patriam nec vitam retinere posset; tantum animi habuit ad audaciam, ut dicere in contione non dubitaret, bona civium Romanorum cum venderet, se praedam suam vendere.

89, 10. Secutus est, scil. Caesar.—**89, 11. non . . . sed,** "*not so much* confiscated the property of individual citizens (although he did that also), *as* involved whole provinces," etc. We should expect here *non modo . . . sed* or *sed etiam*, because the writer does not intend to deny the first member (*bona publicaret*), but only in a rhetorical way to represent it as utterly unimportant in comparison with the second. The usage is rare. Cic. Verr. III. 8, 11 *qui haec non commutaret, sed everteret;* Tusc. Disp. V. 6, 15 *Quid . . . si denique, quod non singulis hominibus, sed potentibus populis saepe contigit, servitutem* (*timet*)*?* Draeger, Hist. Synt. etc. Vol. II. p. 105, cites also two cases where *sed etiam* is used: Cic. pro domo 24, 62; De Nat. Deor. II. 64, 162. Comp. Liv. XXI. 41, 16 *unusquisque se non corpus suum, sed coniugem ac liberos parvos armis protegere putet;* XXIII. 5 *non iuvetis nos in bello oportet sed paene bellum pro nobis suscipiatis.* Caesar divided the lands of Campania among his soldiers, and disposed of the provinces at his own pleasure, the assignment of which had hitherto belonged partly to the senate, partly to the people.—**89, 13. iure:** This passage is cited among others by Nägelsbach, p. 38, to illustrate the manner in which the Latin individualized the general idea which we denote in many cases by the words "form," "kind." Here we might say "in one and the same form of wretchedness;" Cicero makes it more vivid, ironically calling it "a right of wretchedness." Comp. p. 135, 15 *omni pondere gravior*, "more important in every respect;" p. 138, 30 *morem rogandi iudicis.*

28 **89, 14. ad exemplum amissi imperii,** "for an example of power lost," an evidence that the Roman people had lost their power; i. e. the fact that an individual could thus treat the allies showed that the people were powerless.—**89, 15. Massiliam:** Massilia had been in alliance with Rome from the earliest times, and had shown its good faith in the Carthaginian and Gallic wars. But on the outbreak of the civil war, in spite of a promise to remain neutral, it had received Domitius, Pompey's legate, afterwards had obstinately resisted Caesar, and finally had attacked his soldiers in violation of a truce made with Trebonius. Caesar punished the city by taking away a part of its

territory and carrying a model of the town in his Gallic triumph. Mommsen, Röm. Gesch. III.[3] p. 386. Cic. Phil. VIII. 6, 18 *ne triumphus quidem finem facit belli? per quem lata est urbs ea, sine qua numquam ex transalpinis gentibus maiores nostri triumphaverunt.*— **89, 17. ex . . . bellis triumpharunt,** i. e. triumphed over the nations conquered in the wars.

89, 21. rei familiaris . . . hereditas: Sueton. Div. Iul. 83 *tres instituit heredes sororum nepotes, C. Octavium ex dodrante et L. Pinarium et Q. Pedium ex quadrante reliquo.*

29 **89, 24. hastam . . . meminerint et sperabunt**: Comp. Phil. VIII. 3 *Hasta Caesaris multis improbis et spem affert et audaciam. Viderunt enim ex mendicis fieri repente divites; itaque semper hastam videre cupiunt ii, qui nostris bonis imminent.*— **89, 25. P. Sulla,** a nephew of L. Sulla, the dictator. He superintended the sales at auction of the property confiscated by his uncle, was concerned in the conspiracy of Catiline, and defended by Cicero in an oration still extant; he afterwards joined the party of Caesar, and again carried on a traffic in confiscated property.— **89, 28. alter autem,** another Cornelius, a freedman of Sulla. Sallust Fragm. I. 49, 17 *scilicet quia non aliter salvi satisque tuti in imperio eritis, nisi Vettius Picens et scriba Cornelius aliena bene parta prodegerint.* Nothing further is known of him.— **89, 29. quaestor urbanus**: Caesar raised the number of quaestors to forty, and that of the senate to nine hundred, admitting persons of low origin, even provincials and freedmen.

89, 31. parietes . . . metuentes: The same figure occurs in Pro Marc. 3, 10 *Parietes, medius fidius, ut mihi videtur, huius curiae tibi gratias agere gestiunt.*

90, 5. Quod cum may be compared with *quod si, quod quia, quod quoniam*, and the like, where *quod* merely introduces the sentence and connects it loosely with the foregoing. It is not to be taken here as the subject of *perspicuum sit*, defined by the infinitive clause *benivolentiae . . . magnam.*— **90, 8. cum honore et fide** is to be joined with *caritatem;* "affection based upon honor and confidence."

30 **90, 11. Certum . . . sit,** "Let this then be our purpose," *familiaritates habere* etc.; the phrase *idque . . . necessarium* is a simple parenthesis, not acc. with inf. depending on *Certum sit.* For *certum sit* see note p. 26, 10. — **90, 13. nostra mirantium,** having a high appreciation of us and our belongings. — **haec enim una res**: The text is very uncertain here; this reading is

perhaps the best, but it cannot be what Cicero really wrote. The construction, as the text stands, is: *haec enim una res prorsus* (*una*, the only thing, *ut non multum differat*, such that there is no great difference, the only relation where there is no great difference), *comparanda est propemodum aeque utrisque.*

CHAPTER IX.

31 **90, 22. duo . . . nostri libri**: This work is mentioned in Ep. ad Att. XV. 27 and XVI. 2, 6, and is said to have been extant in the time of Petrarch, who mentions *se hos libros habuisse;* they are now lost.

90, 24. Summa et perfecta gloria: In Tusc. Disp. III. 2, 3 he says: *Est enim gloria solida quaedam res et expressa, non adumbrata; ea est consentiens laus bonorum, incorrupta vox bene iudicantium de excellenti virtute, ea virtuti resonat tamquam imago.* "When Cicero comes to define glory, it turns out that this one part of the division includes almost all the others; since the dispositions of our fellow-men towards us, which, according to Cicero, make up honor, are just the same as those given in the general introduction as co-ordinate means along with honor of furthering one's own happiness by the aid of others." Garve.— **90, 25. si diligit** etc.: Comp. p. 90, 8 *adipisci cum honore et fide caritatem.*

90, 27. simpliciter, i. e. without going into details. So Quint. Inst. VIII. pr. 1 *incipientibus brevius ac simplicius tradi magis convenit.* — **90, 28. pariuntur a singulis**, "are acquired with (lit. from) the multitude;" so Terent. Eun. III. 5, 9 *adibo atque ab eo gratiam hanc, quam volle video, inibo.*

90, 29. alius . . . aditus relates to the directions given in § 45.

32 **90, 31. quae ante dixi**: See p. 38, 5 and note. **benivolentiae praecepta** = *praecepta benivolentiae consequendae.*—He says that good-will *capitur beneficiis*, but *voluntate benefica movetur*, a less forcible word. The words *voluntate benefica benivolentia movetur* are bracketed by Baiter and Heine, and *autem*, l. 1, is omitted. But it would be a hopeless task to arrange the text in this chapter so as to be quite satisfactory.—**91, 5. quae pertinent ad mansuetudinem morum**: In I. § 46 he calls *modestia* and *temperantia virtutes leniores.*

91, 12. possunt enim: The force of *enim* will be seen by emphasizing *gravissimae;* "these are the most important causes; not all of them, for there may be others of less weight."

33 **91, 15. Nam et**: The corresponding sentence is *Iustis autem* etc., l. 20.—**91, 16. intellegere** is to be understood of *prudentia* in general; *futura prospicere* and *consilium ex tempore* are subdivisions, corresponding to πρόνοια and ἀγχίνοια.—**91, 20. homines,** i. e. men in general think this true wisdom; the wise man, however, considers true wisdom to consist in the knowledge of right and wrong.

91, 21. ita, "on this condition." Comp. S. Ambros. II. c. 9 *Facit enim iustitia, ut nullus fraudis sit metus; facit etiam prudentia, ut nulla sit erroris suspicio. Promptius tamen nos iusto viro, quam prudenti committimus.*

34 **91, 31. iustitia . . . poterit** is bracketed by Baiter; *iustitia . . . prudentia* by Pearce.

CHAPTER X.

35 **92, 1. inter omnes philosophos constet**: The doctrine of the unity of the virtues, as being all contained in wisdom, was common to the schools of philosophy descended from Socrates; but only the Stoics held it in the extreme form which Cicero here professes (l. 3). See Acad. I. 10, 38; Introd. § 20.—**92, 2. meque ipso,** namely, in De Fin. V. 23, 66; Tusc. Disp. III. 7, 14.—**92, 3. qui unam . . . virtutes**: Diog. Laert. VII. 125 τὰς ἀρετὰς λέγουσιν οἱ Στωικοὶ ἀντακολουθεῖν ἀλλήλαις καὶ τὸν μίαν ἔχοντα πάσας ἔχειν: and Stob. Ecl. Eth. II. p. 110.—**92, 5. veritas ipsa,** "abstract truth," **limatur,** "is filed down," "is critically treated." De Fin. V. 5, 12 *duo genera librorum sunt, unum populariter scriptum, quod ἐξωτερικὸν appellabant, alterum limatius;* De Am. V. 18 *neque id ad vivum reseco, ut illi, qui haec subtilius disserunt, fortasse vere, sed ad communem utilitatem parum* etc.

92, 11. Panaetius: De Fin. IV. 28, 79; Introd. §§ 28, 29.

36 **92, 12. Erat . . . pertinerent**: The imperfect tense, referring to § 31.

92, 15. communiter . . . separatim, "in general . . . in particular."

92, 24. maledicos is the reading of the MSS.

92, 27. qui "nec sibi nec alteri," scil. *valent.* Omissions of this sort are common in proverbial expressions; as *fortem fortuna*, scil. *adiuvat.* Ep. ad Fam. VII. 31 *res ita contractas, ut, quem ad modum scribis, nec caput nec pedes.*

37 **92, 29. Admiratione adficiuntur,** like *honore affici*, and similar expressions, which may be found in the dictionary. Lambi-

thus changed to *afficiunt;* Baiter and Heine follow him. The reason as given by Heine is that *admiratio* expresses either an affection, the feeling of wonder, or an action, the expressing wonder. But we have below, p. 93, 29, *afficientur iniuriis;* p. 97, 4 *laude adfici;* De Leg. Agr. 1, 4, 13 *afficitur beneficio;* so that *admiratione affici* seems quite permissible.

93, 1. maioris partis, scil. *hominum:* I. 41, 147 *Maior pars;* Phil. V. 11, 16 *quod . . . offendit animos maioris partis hominum.*

93, 4. Quae qui in utramque partem etc.: There is in this sentence a confusion of two trains of thought, which Gernhard gives as follows: *Quae qui despiciunt, et quos (eosdem) aliqua ampla et honesta res obiecta totos ad se . . . rapit; eorum quis non admiretur virtutem?* The second: *Cum qui tam excelso animo sunt, ut externas res despiciant et ut eos aliqua ampla et honesta res, cum obiecta est, totos ad se . . . rapiat; tum quis non admiretur splendorem . . . virtutis?* Comp. I. 43, 153; II. 5, 16.—Baiter and Heine and MS. c. omit *est,* in l. 6; this simplifies the matter, but there still remains the change from the relative to the temporal sentence; comp. I. § 16 *ut quisque maxime perspicit . . . quique acutissime potest videre, is . . . habere solet* etc.

CHAPTER XI.

38 **93, 9. admirabilitatem facit** = *admirabiles nos facit;* comp. p. 92, 29 *admiratione adficiuntur.* — **93, 10. ex qua una virtute**: Comp. I. 7, 20. — **mirifica quaedam**: *quaedam,* as usual, softens the expression *mirifica;* comp. De Am. 13, 48 *Neque enim sunt isti audiendi, qui virtutem duram et quasi ferream esse quandam volunt.*

93, 16. igni spectatum: Comp. the English "tried in the fire;" Ov. Fast. IV. 37 *pietas spectata per ignes.* Plato Rep. VI. p. 503 A τὸν δὲ πανταχοῦ ἀκήρατον ἐκβαίνοντα, ὥσπερ χρυσὸν ἐν πυρὶ βασανιζόμενον, στατέον ἄρχοντα.

93, 18. prodesse vult, scil. *iustitia,* i. e. the just man; see p. 67, 22 and note.—**93, 19. ob eandem causam** qualifies *fidem* (*conficit*).

39 **93, 23. desiderat . . . habeat . . . possit**: Comp. the last sentence and note on p. 67, 22.—**93, 25. speciem prae te . . . feras,** not "pretend to be" so, but "let others see that you are" so.

93, 26. solitario homini, not necessarily the same with *in agro vitam agenti;* for the former may be found anywhere.

The plurals *habebunt*, *afficientur* show that different classes of persons are meant.

40 **93, 30. contrahendisque**: *que* sums up the series.—**93, 32. ne illi quidem**: Plato De Rep. I. p. 351 C *δοκεῖς ἂν ἢ πόλιν ἢ στρατόπεδον ἢ λῃστὰς ἢ κλέπτας ἢ ἄλλο τι ἔθνος, ὅσα κοινῇ ἐπί τι ἔρχεται ἀδίκως, πρᾶξαι ἄν τι δύνασθαι, εἰ ἀδικοῖεν ἀλλήλους; οὐ δῆτα.* — **94, 1. sine ulla particula**: When there are two negatives in the sentence (here *sine* has a negative force) we find in general usage *aliquis*, not *quisquam* or *ullus;* hence we should expect here *sine aliqua particula*, the idea of the sentence being: "even criminals cannot live without *some small amount* of justice in their dealings." So De Nat. Deor. II. 66, 167 *Nemo igitur vir magnus sine aliquo adflatu divino umquam fuit;* Verr. V. 5, 11 (*Verres*) *nihil umquam fecit sine aliquo quaestu.* If *ulla* is not a slip of the pen for *aliqua* we must understand the phrase to mean: "Without any particle of justice whatever;" but the force of the diminutive *particula* is much clearer in the first interpretation. The practical difference is very slight in this passage, but in many others is very clearly seen.

94, 8. Bardulis Illyrius and Viriathus are called robbers, because they carried on a sort of guerilla warfare. The former is called king of the Illyrians by Diodorus XVI. 4, and fought against Philip of Macedon, father of Alexander, B.C. 359. Viriathus was the leader of the Lusitanians in their struggle against the Romans. After inflicting upon the latter several defeats, he made peace with them in B.C. 141, granting them terms much more favorable than they could have expected; but their general in the next year treacherously broke it, and caused Viriathus to be murdered. Laelius (l. 12) really accomplished nothing of importance.—**94, 9. Theopompus,** a pupil of Isocrates, who wrote a continuation of Thucydides, from the end of the Peloponnesian war to his own time.—**94, 14. facile** is a neuter adjective, agreeing with *bellum*.

94, 17. constituta, "organized."

CHAPTER XII.

41 **94, 18. ut ait Herodotus,** namely, in I. 96, where he relates of Deïokes that in consequence of his great renown for justice the Medes chose him for king. — **94, 20. bene morati reges constituti**: This was the common view of the origin of government among the ancients. Seneca, Ep. 90, 5, has preserved a

passage from Posidonius: *Hi (sapientes) continebant manus et infirmiorem a validioribus tuebantur. . . . Sed postquam subrepentibus vitiis in tyrannidem regna conversa sunt, opus esse coepit legibus, quas et ipsas inter initia tulere sapientes.* Comp. Tac. Ann. III. 26; Iustin. I. 1.

94, 20. quum premeretur: The imp. subj. denotes the action as repeatedly occurring; "as often as the common people were oppressed." The indicative is more common in such cases in the classical writers, at least in the third person. Comp. Draeger, Hist. Synt. etc. § 498, 1, c. — **94, 22. ad unum aliquem,** "to some one person." — **94, 23. prohiberet** has here the sense of "defend," and takes the accusative of the person, ablative of the thing; the reverse is the case when it means "to ward off." The ablative seems to be used indifferently with or without a preposition in Cicero.

42 **95, 1. Adiuncto**: The ablative absolute when a sentence takes the place of the noun is rare in Cicero. De Fin. II. 27, 85 *perfecto et concluso neque virtutibus neque amicitiis usquam locum esse . . . nihil praeterea est magno opere dicendum;* De Inv. II. 10, 34 *hoc loco praeterito et, cur praetereatur, demonstrato.*

95, 6. pecuniae . . . collocandae, "of investing money" so as to increase and yield an income for the *perpetuos sumptus*, one's current expenses. — **95, 9. sic gloria . . . collocanda,** "so glory must be sought and employed," **ratione,** upon a well-considered plan.

43 **95, 10. Quamquam** introduces a correction of what precedes, "Although" (these minute directions are perhaps unnecessary, for) Socrates used to say etc. Xen. Mem. I. 7, 1 *ὡς οὐκ εἴη καλλίων ὁδὸς ἐπ' εὐδοξίαν ἢ δι' ἧς ἄν τις ἀγαθὸς τοῦτο γένοιτο, ὃ καὶ δοκεῖν βούλοιτο.* Ibid. II. 6, 39; Plat. Gorg. p. 527 B. c. 82.

95, 20. Ti. Gracchus, father of Ti. and Caius Gracchus, was twice consul, triumphed twice, was once censor, and also augur. He made peace with the Celtiberi, and so won their esteem that in B.C. 135 they would treat only with his son. He was son-in-law of the elder Africanus. Cicero mentions him in De Orat. I. 48, 211, Brut. 20, 79, De Fin. IV. 24, 65, always in terms of praise; whereas he regards his sons, the famous tribunes, as ambitious demagogues and revolutionists. — **95, 22. numerum optinent iure caesorum,** "hold the rank of, are classed among, those who were righteously slain." Pro Mil. 3, 8 *Africanus cum interrogaretur, quid de Ti. Gracchi morte sentiret, respondit iure caesum videri.*

CHAPTER XIII.

44 **95, 26. ut . . . videamur,** "that we may be seen to be, may pass for, what we are," that our worth may be recognized. Cicero speaks here as a man of the world; the object is to succeed in life and *gloriam consequi.*

95, 32. in eum . . . inquiritur: So Pro Mur. 21, 45 *scis tu illum . . . inquirere in competitores.*

45 **96, 4. in hominum ignoratione**: III. 17, 72 *Quotus enim quisque reperietur qui, impunitate et ignoratione omnium proposita, abstinere possit iniuria.* — **96, 6. rectis studiis contendere,** like *recto cursu, recto itinere,* efforts directed straight to the point.

96, 9. Prima . . . commendatio: Military glory for a Roman was the highest. Pro Mur. 9, 22 *qui potest dubitari, quin ad consulatum adipiscendum multo plus afferat dignitatis rei militaris quam iuris civilis gloria?* — **96, 10. multi . . . exstiterunt,** "many have excelled." Pro Sest. c. 42, 91 *Qui igitur primi virtute et consilio praestanti exstiterunt;* De Orat. I. 3, 10 *Quo tamen in genere ita multi homines exstiterunt, ut* etc.

96, 12. Tua aetas etc.: See Introd. § 5. — **id bellum,** the war between Caesar and Pompey.

96, 15. alae: "The cavalry of the allies (*auxiliares*) was divided into *alae*, divisions of three or four hundred men each. In Cicero's time it was customary for young men of position not to enlist in the legion, but to perform their first service as *contubernales imperatoris*, after which they generally obtained the command of such an *ala*. This was also usual in the time of the empire; see Pliny, Ep. X. 19; Sueton. Aug. 38, 46; Claud. 25. This was the honor which the young Cicero received at the age of seventeen. **alteri** must be cancelled, for there were not two *alae* assigned to each legion, but more or fewer according to circumstances. *ala altera* could only refer to the half of the army of the *socii*, the Italian confederates, who were ranged in two divisions, the *ala dextra* and the *sinistra;* but the difference between *socii* and *legiones Romanae* had ceased since the Italians received the right of citizenship B.C. 89." Heine, *in loco.*

96, 18. pariter = *simul*, "equally" in point of time, "at the same time." De Orat. III. 3, 10 *ut ille . . . et vixisse cum re publica pariter et cum illa simul exstinctus esse videatur;* Tusc. Disp. I. 11, 24.

96, 19. de genere toto, scil. *adulescentium;* not "concerning the subject in general," the *commendatione ad gloriam.*

46 96, 23. **Prima commendatio**: The second is given at *Facillume autem* (l. 25).

96, 27. **qui se . . . contulerunt**: On this custom, see I. § 122 and note.

47 96, 30. **P. Rutili**: See note on III. § 10. He learned the civil law from Q. Mucius, the pontifex, and in philosophy was a student of Panaetius.— **96, 32. P. Muci,** the father of Q. Mucius, the pontifex maximus, mentioned in I. § 116 (see note), consul in B.C. 133, and a friend of Ti. Gracchus.

96, 32. Nam often introduces a remark designed to meet an objection which is not stated, but which the writer thinks will arise in the mind of the reader. The sense here is: It may not *always* be necessary for a young man to take this course, "For L. Crassus" (*Nam L. Crassus*) etc. Crassus is mentioned also in I. 30, 108.— **97, 2. ex illa accusatione**: The allusion is to the prosecution of C. Papirius Carbo for *maiestas*, which Crassus conducted in B.C. 119, at the age of twenty-one; he was successful, and in consequence of the sentence of exile Carbo put an end to his own life. De Orat. I. 10, 40; Ibid. III. 20, 74.— **97, 4. de Demosthene**: Cicero takes no notice of the earliest public appearances of Demosthenes, for they were made before the serious studies alluded to were undertaken.— **97, 7. meditari** denotes the preparation of the orator for appearance in public, and hence includes *declamatio;* Quintilian even uses *meditatio* as a synonym in II. 10, 2 *Neque enim virtus ulla perpetuae dumtaxat orationis reperiri potest, quae non sit cum hac dicendi meditatione communis.*

CHAPTER XIV.

48 **97, 7. orationis,** here used in a general sense, including *sermo*, common conversation, and *contentio*, formal discourse, which is defined below (l. 10) as *eloquentia.* Comp. I. 37, 133.— **97, 9. orationis,** after *contentio*, is bracketed by Baiter II. and Heine.— **97, 10. ad gloriam,** "for the purpose of glory."— **97, 11. difficile dictu** is often said when its force can only be the same as that of *incredibile.* De Am. 7, 23 *Quocirca et absentes adsunt et egentes abundant et inbecilli valent, et, quod difficilius dictu est, mortui vivunt.*

97, 12. Exstant epistulae: These were probably nothing more than rhetorical exercises, composed in the schools upon subjects given out for the purpose. Of *Antipater*, a lieutenant of Alexander in Macedonia, there were, according to Suidas, two

books of letters. *Antigonus* was a general of Alexander, and father of Demetrius Poliorcetes and a younger son, Philippus.

97, 19. universam, scil. *multitudinem.*—**97, 21. intellegere:** The subject is *eum*, antecedent of *quem* at the end of the preceding line.

97, 22. mixta modestia, "mingled with modesty."

49 **97, 27. apud populum,** in the *contiones* before the people.—**97, 28. in iudiciis,** i. e. of the speeches made in the courts; *iudicia* is used for *actiones in iudicio habitae* in Ep. ad Fam. IX, 21, 1 *quid enim simile epistola habet aut iudicio aut contioni?* and Quint. X. 1, 70 *illa iudicia aut meditationes.*

97, 30. constat, scil. *iudiciorum ratio;* but the subject is logically "the speeches made in the courts."

97, 32. M. Antonius, grandfather of the triumvir, and *L. Crassus* were considered by Cicero the greatest orators of their time. The former was born B.C. 143, was consul in 99, censor in 97. As he belonged to the aristocratic party, he was put to death in 87 at the order of Marius. The case here alluded to was a prosecution which he conducted against Cn. Papirius Carbo, who was defeated by the Cimbri in 113; but in this he was not successful. He was at that time thirty-two years old (*adulescens*). It was a common thing at Rome for young men just entering upon public life to prosecute men of distinction who had in any way laid themselves open to it, and thus to attract public attention.

98, 1. P. Sulpici *Rufi:* When a young man, in B.C. 94, he prosecuted C. Iunius Norbanus for having, when tribune in the year before, gotten up a political disturbance. Norbanus was defended by M. Antonius, and acquitted in spite of his guilt. Sulpicius was tribune in 88, and effected the transfer of the command in the Mithridatic war from Sulla to Marius; for this he was put to death by Sulla's partisans in the same year.—**98, 2. inutilem,** i. e. here *perniciosum.*

50 **98, 4. ut ii,** scil. *fecerunt.*—**98, 5. duo Luculli:** The augur Servilius had prosecuted L. Licinius Lucullus for peculation in Sicily in B.C. 102. The sons of the latter, Lucius and Marcus, *ulciscendi causa*, prosecuted Servilius in their turn. Acad. II. 1, 1.—**98, 6. nos pro Siculis,** namely, in the prosecution of Verres. —**pro Sardis in Albucio Iulius:** C. Iulius Caesar Strabo prosecuted T. Albucius for extortion, of which he had been guilty when propraetor in Sardinia in B.C. 133. Albucius went into exile at Athens. Tusc. Disp. V. 37, 108.

98, 7. M'. Aquilio: Consul in B.C. 101, he put an end to the insurrection of the slaves in Sicily in the following year; being accused of extortion by L. Fufius, he was defended by M. Antonius and acquitted. Verr. V. 1, 3; Brut. 62, 222.

98, 9. rei publicae . . . muneris, i. e. let him do it as a service to the country, not for his own advancement.

98, 12. Id is defined by *committere, ut accusator nominere.*— **98, 13. periculosum ipsi,** "dangerous to one's self;" because, if it was proved that the accusation was false and malicious, the accuser might either be condemned to pay a fine, or, under the *lex Remmia*, be branded on the forehead with a K (*Kalumniator*), and lose the right of prosecution thereafter. See Pro Rosc. § 55, and Halm's note.— **98, 15. M. Bruto**: Brut. 34, 130 *Iisdem temporibus M. Brutus . . . qui, cum tanto nomine esset patremque optimum virum habuisset et iuris peritissimum, accusationem factitaverit, ut Athenis Lycurgus. Is magistratus non petivit, sed fuit accusator vehemens et molestus.* In De Orat. II. 55, 226 Crassus uses this language against him: *quidquid est vocis ac linguae, omne in istum turpissimum calumniae quaestum contulisti!* The father of Brutus had written three books *de iure civili.*

51 **98, 18. iudicio capitis arcessas,** "accuse of a capital crime;" so Pro Flacco c. 6 *Cn. Pompeium . . . contendisse a D. Laelio, paterno amico ac pernecessario, ut hunc hoc iudicio arcesseret.*

98, 22. Nec . . . item est habendum religioni, "nor is it equally to be considered a matter of religious offence," nor need one have any scruple. So De Div. I. 35, 77 (*C. Flaminius*) *et ipse et equus eius ante signum Iovis Statoris sine causa repente concidit nec eam rem habuit religioni obiecto signo, ut peritis videbatur, ne committeret proelium.*

98, 28. cum de philosophia scriberem, i. e. in a discussion upon the abstract principles of morality. In § 35 Cicero distinguishes the *subtilitas, cum ad opinionem communem accommodatur oratio* from that *cum veritas ipsa limatur in disputatione. scriberem* is in the imp. by attraction; we may translate "I am writing," *cum scribam.*— **98, 29. gravissimo,** "very strict in matters of morality."

99, 1. ut nos . . . adulescentes . . . fecimus: Cicero, at the age of twenty-six, defended Sextus Roscius against Chrysogonus, the freedman of Sulla, and had occasion in the course of his argument to attack the master as well as the favorite.— **99, 3. quae . . . exstat oratio,** "which argument is, as you know, published."

CHAPTER XV.

52 **99, 11. ex virtute,** "from one's capacity, ability;" so below *virtute*, l. 15.

99, 13. benignitate benignitas tollitur: S. Hieron. Ep. XIII. ad Paulin. f. 104 *Considera . . . ne immoderato iudicio rem pauperum tribuas non pauperibus et secundum dictum prudentissimi viri liberalitate liberalitas pereat.*

53 **99, 17. eo plures . . . adiutores habebunt,** because those who receive services from us will always be ready to aid us in doing them to others.

99, 21. accusat, "takes to task," "upbraids;" Ep. ad Att. III. 13 *me accusas cum hunc casum tam graviter feram.*—**99, 22. malum!** "plague on 't!" so Verr. I. 20, 54 *quae, malum! est ista tanta audacia atque amentia?*

99, 25. praebitorem: The *praebitores* prepared the supplies for Roman officials when travelling in the provinces; "purveyors."

99, 26. Bene, scil. *dixit.*—**99, 27. sordidum,** scil. *est.*

54 **99, 30. Hoc ille,** scil. *praecepit.*

100, 4. diligenter, "carefully," not as to whom you give to, but as to how much you give, "frugally." Verr. IV. 18, 39 *Diodorus, homo frugi ac diligens, qui sua servare vellet;* Ad Herenn. IV. 25, 35 *non est ista diligentia, sed avaritia, ideo quod diligentia est accurata conservatio suorum, avaritia iniuriosa appetitio alienorum.*—**100, 5. multi enim patrimonia effuderunt**: He has in mind Sulla, Caesar, Antonius, and others like them.

55 **100, 18. largitionem fundum non habere**: Like filling the jar of the Danaids, it can have no end.—**100, 20. idem** in both instances is neuter; (*ii*), *qui consuerunt* and **alii** are subjects of **desiderent.**

CHAPTER XVI.

100, 22. epulis, such as were given to the senate in the Capitol or in a temple, and to the people in the forum, whether during the *feriae Latinae* or at funerals and on other occasions.—**viscerationibus,** originally distributions of uncooked meat, instead of which money was afterwards given.—**100, 23. ludorum,** i. e. *scaenicorum*, tragedies, comedies, pantomimes.—**venationum,** combats of wild beasts in the amphitheatre or in the circus.—**100, 24. eas res** are the *epulis* etc. just mentioned. Instead of saying "they waste money on banquets, the recollection of

which" etc., he says "in banquets etc. they waste money on things," etc. The turn of expression is not uncommon in English.—**100, 28. in filiarum collocatione,** i. e. in giving them marriage portions.—**in re quaerenda,** in acquiring property.

56 **100, 30. Theophrasto**: See note to I. § 3.—**100, 31. est enim multus,** "for he writes at great length."—**101, 1. taliumque . . . putat,** "and he considers the power to make such expenditures an advantage of wealth." Baiter thinks that Theophrastus must have said "the *greatest* advantage of wealth," for the passage to have any real point; and that *maximum* or *optimum* has fallen out before *fructum*. In § 64 Cicero says *posse liberalitate uti . . . est pecuniae fructus maximus.*

101, 4. Aristoteles is the reading of the MSS.; but a difficulty arises from the fact that there is no passage in the extant writings of Aristotle corresponding to the quotation that follows. Bernays (Die Dialoge des Aristoteles, p. 133) thinks such a one might have occurred in the treatise Περὶ πλούτου. In Pol. VIII. 8 Aristotle censures the excessive expenditure connected with the public liturgies. It has been proposed to read *Aristo Ceus* (so Beier, Zumpt, ed. min.), who was the head of the Peripatetic school in B.C. 228, and wrote among other things ὑπομνήματα περὶ κενοδοξίας.—**101, 5. nos,** *Romanos.*—**qui . . . non admiremur,** "because we are not amazed at" etc., because this waste of money does not strike us as something monstrous; subjunctive of the reason.

101, 7. Ait enim is an emendation of Müller for *At ii* (*hi, hii*) of the MSS., and is adopted by Baiter II. and Heine.—**101, 8. cogerentur**: The tense is noticeable. But Cicero often interchanges the present and imperfect subjunctive in quotations like the present; *ait*, "he says in his book" is the same as "he said when he wrote it," and hence the varying usage. Compare De Nat. Deor. I. 15, 39 *mundum deum dicit esse . . . tum eius ipsius principatum, qui in mente et ratione versetur . . . tum ea quae natura fluerent et manarent . . . universitatemque rerum, qua omnia continerentur.*—**101, 10. iacturis,** throwing away of money, waste.—**101, 11. cum praesertim**: The thought is: "we are not much impressed, which we ought to be, *all the more since* (*cum praesertim*) no necessity is relieved" etc.—**101, 14. capiatur** is wanting in the MSS., but seems to be necessary to the sense, because *a levissumo quoque* with the rest of the sentence must refer to the spectators, and so express the agent after some passive verb such as *capiatur.*

57 **101, 18. iudicio certo ponderanti,** "weighing with a certain judgment," a judgment based on principles well established in his own mind.

101, 20. bonis temporibus, as we say, "in the good old times."—**101, 21. splendor aedilitatum** refers to the public games which the aediles usually gave during their term of office to gain the popular favor for their further political advancement. This was already expected, Cicero says, in old times of the best men, men who even without that would have succeeded in their ambition.—**101, 22. postuletur:** Comp. note on p. 79, 1 *ducerentur*. The present is used in this passage, because the custom still subsists at the time of writing.

101, 22. P. Crassus, father of the triumvir Crassus, consul in B.C. 98, triumphed over the Lusitani in 93, and put an end to his own life during the Marian troubles.—**101, 24. L. Crassus,** the famous orator, mentioned in I. 30, 108. He was colleague in all the offices except those of tribune and censor with Q. Mucius Scaevola. Pliny, Hist. Nat. VIII. 16, 53, says of their aedileship, which was in B.C. 103, *leonum simul plurium pugnam Romae princeps dedit Q. Scaevola P. F. in curuli aedilitate.*—**101, 26. C. Claudius** *Pulcher* was aedile in B.C. 99, and was the first to decorate the stage of the theatre with paintings, and to give combats of elephants in the circus. Plin. Hist. Nat. VIII. 7, 9. —*L.* and *M.* **Luculli,** aediles in B.C. 79, gave a spectacle of elephants fighting with bulls.—**101, 27.** *Q.* **Hortensius,** the famous orator, was aedile in B.C. 75, consul in 69.—*D. Iunius* **Silanus,** aedile in 70, consul in 62.—**P. Lentulus** *Spinther* was aedile in 93. Comp. Val. Max. II. 4, 6 *Religionem ludorum crescentibus opibus secuta lautitia est. eius instinctu Q. Catulus Campanam imitatus luxuriam primus spectantium consessum velorum umbraculis texit. Cn. Pompeius ante omnes aquae per semitas decursu aestivum minuit fervorem. Claudius Pulcher scaenam varietate colorum adumbravit, vacuis ante pictura tabulis extentam, quam totam argento C. Antonius, auro Petreius, ebore Q. Catulus praetexuit; versatilem fecerunt Luculli, argentatis choragiis P. Lentulus Spinther adornavit. translatum, antea poenicis indutum tunicis, M. Scaurus exquisito genere vestis cultum induxit.*—**101, 28. Scaurus** was aedile in 58. His games were the most magnificent that had ever been given. He built a theatre capable of holding eighty thousand people, with three hundred and sixty pillars and three thousand bronze statues. The rarest beasts of Africa

were brought to Rome; and Scaurus not only spent all his fortune, but incurred heavy debts. See note on p. 62, 25 and Plin. Hist. Nat. XXXIV. 7, 36. — **101, 29. Pompei**: He built the first permanent theatre in 55, the date of his second consulship, and tried to surpass his predecessors by the number and rareness of the wild beasts. There were six hundred lions, four hundred and ten panthers, twenty elephants, rhinoceroses, etc., brought into the arena.

CHAPTER XVII.

58 **101, 31. tamen,** in reference to *quid mihi placeat, vides* just before; Cicero held that *mediocritas regula optima est.*

101, 31. Mamerco: *Mamercus Aemilius Lepidus Livianus* was afterwards consul with D. Brutus in B.C. 77. Brut. 47, 175. — **101, 32. consulatus repulsam,** defeat in the election for the consulship; for the genitive compare note on p. 47, 14.

102, 5. Oresti, otherwise unknown; probably *Cn. Aufidius Orestes Aurelianus,* consul in B.C. 71. — **102, 6. decumae nomine**: It sometimes happened that, before beginning or after completing an enterprise, a person offered to Hercules or some other god a tenth of the gain; and under this pretence gave to the people banquets or provisions.

102, 7. M. Seio: He was quaestor in Sulla's second consulship, afterwards tribune, and aedile in B.C. 74, a friend of Cicero and Atticus. For some unknown reason he had been condemned; Pro Planc. 5, 12 *qui ne equestrem quidem splendorem incolumem a calamitate iudicii retinere potuisset.* Plin. Hist. Nat. XV. 1 *M. Seius L. F. aedilis curulis olei denas libras singulis assibus praestitit populo Romano per totum annum.* — **asse modium**: The aediles bought the *modius* for two or three *sestertii* in good years in Sicily, and retailed it to the populace at Rome generally for a few asses. — **102, 9. nec turpi iactura, quando**: The outlay was not discreditable to him, considering that (*quando*) etc.

102, 10. nostro Miloni: Milo had attacked and killed *P. Clodius,* one of Cicero's especial enemies, with his band of gladiators; when afterwards prosecuted for this he was defended by Cicero in the well-known oration *pro Milone.* The clauses *qui . . . compressit* are in substance the subject of *honori fuit;* but the construction is an unusual one. Some editors substitute *quod* or *quoniam* for *qui.*

59 **102, 15. L. Philippus**: see I. 30, 108.

102, 18. *Caius Aurelius* **Cotta,** consul in B.C. 75, is one of the interlocutors in the *De Natura.* He was famed for his eloquence; comp. Brut. 55, 202.— *Caius Scribonius* **Curio** is also mentioned in III. § 88. He was father of the Curio who took part in the civil wars between Caesar and Pompey.

102, 19. quodam modo, "in a manner," "to a certain extent;" not so much as the others, because I did not obtain quite *omnia, quae haberentur amplissima;* he was never censor. He was quaestor at the age of thirty-one, aedile at thirty-eight, praetor at forty-one, consul at forty-four. De Imp. Pomp. I. 2 *cum propter dilationem comitiorum ter praetor primus centuriis cunctis renuntiatus sum;* In Pison. I. 3 *me cuncta Italia, me omnes ordines, me universa civitas non prius tabella quam voce priorem consulem declaravit.*— **102, 21, nostro anno,** i. e. in the earliest year in which he was eligible according to the *lex Villia annalis.* In his aedileship in B.C. 69 Cicero gave an exhibition of games; see Pro Murena, 19, 40; Verr. V. 14, 36; moreover, he made distributions of corn, which the Sicilians had furnished for him in gratitude for his services in the prosecution against Verres. Plut. Cic. 8.

60 **102, 26. praesens,** "on the spot;" here "to the persons themselves," not to posterity. Dig. VII. 1, 4 *quod vel praesens vel ex die dari potest.*

102, 27. Theatra . . . verecundius reprehendo, i. e. out of respect for the memory of Pompey. Pompey had built a new theatre of stone, and connected with it two temples with porticoes. Comp. Tertullian, De Spectaculis, c. 10 *Saepe censores renascentia theatra destruebant, moribus consulentes, quorum scilicet periculum ingens de lascivia providebant. Itaque Pompeius Magnus, solo theatro suo minor, cum illam arcem omnium turpitudinum exstruxisset, veritus quandoque memoriae suae censoriam animadversionem, Veneris aedem superposuit et ad dedicationem edicto populum vocans non theatrum sed Veneris templum nuncupavit; cui subiecimus, inquit, gradus spectaculorum.* — **102, 29. doctissimi** are "the most prominent philosophers;" *docti* is very frequently used in this sense.— **102, 30. non interpretatus**: So I. 2, 6 *Sequemur . . . Stoicos, non ut interpretes* etc.— **102, 31. Phalereus Demetrius**: See I. § 3.—**102, 32. tantam pecuniam**: They were said to have cost two thousand and twelve talents.

103, 2. de re publica: Perhaps in the fifth book, not now extant.

103, 4. tum ipsum, "even then;" compare *nunc ipsum;* and

De Fin. II. 20, 65 *Regulum . . . cum sua voluntate . . . ex patria Karthaginem revertisset, tum ipsum, cum vigiliis et fame cruciaretur* etc.

CHAPTER XVIII.

61 **103, 7. altero genere**: See the division in c. 16 into those who are *prodigi* in giving and those who are *liberales*.

103, 10. nullis suis rebus adversis: *nullis* = a strong negative, in sense qualifying *adversis;* Ep. ad Att. XI. 24, 4 *Philotimus non modo nullus venit, sed* etc.

62 **103, 13. non ne adfligantur,** "not in order that they may not be ruined," etc.—**103, 14. omnino** = *quidem*, concessive, "of course," corresponding to *sed;* so in I. § 83.

103, 18. locata = *collocata* as in I. § 49 *in collocando beneficio*, in conferring benefits.

63 **103, 20. fructus** is the return of gratitude which we receive for our benefits. **ex ipso,** from the *bono viro*, the recipient.

103, 24. quorum memoria, scil. *beneficiorum;* as in § 55 fin. *in eas res, quarum memoriam . . . relicturi sint.*

103, 27. eam iniuriam refers to *inmemorem beneficii*, as if an abstract noun, ingratitude, were in its place. So De Orat. 20, 68 *etiamsi quorundam grandis . . . vox est poetarum, tamen in ea (in poësi) cum licentiam statuo maiorem esse quam in nobis . . . tum vocibus magis quam rebus inserviunt.* **in deterrenda liberalitate** denotes the way in which the wrong is done, in deterring others from exercising liberality.

103, 31. ab ordine nostro, the senatorial order.—**103, 32. in oratione Crassi,** probably that for the bill of Servilius Caepio, B.C. 106, providing that the *iudicia* should be restored to the senate. Brut. 44, 164 *illa in legem Caepionis oratio: in qua et auctoritas ornatur senatus, quo pro ordine illa dicuntur, et invidia concitatur* etc.; Pro Cluent. 51, 140 *in suasione legis Serviliae summis ornat senatum laudibus, et multa in equites Romanos asperius dicta.*

104, 1. Hanc consuetudinem benignitatis, "this habit of benevolence," for "this sort of benevolence." See note on p. 89, 13.—**104, 2. haec** refers here to the first mentioned of the two, **illa** to the last; but the former is what he has just been discussing and is uppermost in the mind.—**104, 3. quasi** softens somewhat the following expression, which would have been too strong, seeing that all public men were in the habit of giving those games.

64 **104, 5. in exigendo,** "in exacting" one's dues.—**104, 6. in**

omnique re contrahenda, and in the whole course of one's business, further described in what follows.—**104, 7. vicinitatibus,** matters between neighbors, **confiniis,** those pertaining to boundaries.—**104, 9. quantum liceat,** i. e. so far as one's interest will allow, or so far as possible without suffering too great injustice.

104, 22. vehementer utile: Comp. p. 35, 30 *res vehementer arduas;* p. 108, 11 *vehementer moderatum.*—**104, 23. posse multum,** "to have great influence."

104, 25. etiam in suos curiales, i. e. towards those of his own δῆμος, δημότας, as well as towards foreigners. **Laciadas,** those belonging to the δῆμος *Lacia*, of the tribe *Oeneis.* Plutarch, Cimon, c. 10, states that Cimon had the fences removed from his gardens, that every one might take whatever he pleased. Baiter and Heine bracket *Athenis*, on the ground that Cicero would have written *Atheniensem* to denote "of Athens;" it may be perhaps ablative of place.

CHAPTER XIX.

65 **104, 31. in iure cavere,** to give advice and prescribe the proper forms of pleading for a client in actions at law. Pro Mur. 9, 22 *Vigilas tu de nocte, ut tuis consultoribus respondeas . . . tu caves, ne tui consultores . . . capiantur;* De Leg. I. § 17 *Non enim id quaerimus . . . quem ad modum caveamus in iure aut quid de quaque consultatione respondeamus.* **consilio iuvare** is bracketed by Heine as a careless annotation of some scribe; he thinks that *hoc scientiae genere* and *itaque . . . iuris civilis* show that only the special knowledge of law is spoken of, and that *consilio iuvare* is too vague an expression for the connection.

105, 5. hanc confusionem temporum = *horum confusionem temporum.*—**principes,** men of the most prominent position and greatest influence. So § 60 *Periclem, principem Graeciae.*—**105, 9. is esset,** "the man exists," who etc. The allusion is to *Servius Sulpicius Rufus,* who was consul in B.C. 51, and died on a journey to Antony at Mutina in 43. Cicero often speaks of him as a friend, and as the greatest jurist of his time. Brut. 41, 153 *hic enim attulit hanc artem omnium artium maximam quasi lucem ad ea, quae confuse ab aliis aut respondebantur aut agebantur.* Towards the end of the republic the confusion in the administration of justice became very great, because all criminal trials were decided upon some political issue. Moreover, Caesar

assumed the power of revising the decisions of the courts. See Mommsen, Röm. Gesch. III. p. 458.

66 **105, 16. in toga,** "in civil life," as distinguished from the military profession. So on p. 39, 25.

105, 17. facile laborantis = *libenter laborantis*, willing to labor; as in Ep. ad Fam. II. 16, 2 *Quod autem in maritimis facillime sum, moveo nonnullis suspicionem, velle me navigare;* ibid. IV. 4, 1 *sed tamen idem . . . facile cedo tuorum scriptorum subtilitati et elegantiae.* **quodque in patriis est moribus** refers to what directly follows, the undertaking a case readily and without compensation (*gratuito*). This was the general custom in earlier times, but gradually the abuse came up of accepting fees for such services; and the *lex Cincia*, B.C. 204, was passed *ne quis ob causam orandam pecuniam donumve accipiat*, that it should be illegal to take money or presents for defending clients in the courts. In Cicero's time it was again not unusual to accept such fees (*palmaria*). In Parad. VI. 2, 46 *mercedum pactiones in patrociniis* are mentioned in the description of a *homo quaestuosus*. — **105, 18. non gravate** expresses the readiness to undertake such cases.

67 **105, 20. Admonebat**: The imperfect indicative is sometimes used in the apodosis of a conditional sentence to denote an action that was going on, the implication being that it would have been completed, if or unless something else had happened. Here, "I was reminded by the subject in hand to lament etc., and I should do so, unless I feared" etc.—**hoc quoque loco**: In other passages he often laments the decay of eloquence, as in Brut. 6, 21; 42, 157; 97, 331.

105, 23. quibus exstinctis oratoribus quam in paucis etc.: The use of two interrogatives in the same sentence is not uncommon. Corn. Nep. Attic. 18, 3 *Notans, qui a quo ortus quos honores quibusque temporibus cepisset.*— **105, 24. spes,** i. e. of ever attaining any distinction as orators. — **105, 25. audacia,** boldness in undertaking cases quite beyond their capacity.

68 **105, 31. Iam illud** etc.: This expression is somewhat different from those generally used by Cicero in what is called the *praeteritio*. He more frequently uses *mitto* c. acc., *mitto illud dicere, nihil dico de, longum est persequi* etc. He intends here perhaps to lay emphasis upon the remark: "Of course I need say nothing on this point, which no one would dispute."

106, 4. excusatione . . . quare . . . necesse fuerit, excuse by

giving the reason why it was necessary etc. — **106, 7. id, quod violatum videbitur** = *in quo violati sibi videntur.* See note on p. 124, 8. Ep. ad Fam. V. 8, 3 *Si quae inciderunt non tam re quam suspicione violata* (i. e. *quibus violati sumus*), *ea . . . sint evulsa ex omni memoria vitaque nostra.* Compare the construction of the cognate accusative changed to the passive.

CHAPTER XX.

69 **106, 10. dictu quidem est proclive,** it is easy to say, but not easy really to do so.— **106, 12. sequi,** i. e. are guided by.

106, 17. quae natura rerum sit, "how the matter really stands."

106, 20. quicumque dixit: The origin of the quotation is not known. The sense of the passage turns on the pun upon the word *habere*. *Habere pecuniam* is "to *possess* money;" *habere gratiam*, "to *feel* gratitude;" *reddere pecuniam*, to pay back money, *referre gratiam*, to return thanks. The same idea is found in Pro Planc. 28, 68 *Nam qui pecuniam dissolvit, statim non habet id, quod reddidit; qui autem debet, is retinet alienum; gratiam autem et qui refert habet et qui habet in eo ipso, quod habet, refert.*

106, 27. postulari aut exspectari, i. e. they think that a person in giving them anything virtually asks or expects something in return.— **patrocinio** is here used in a general sense, "protection." The series of introductory particles is noticeable: *quin etiam*, *atque etiam*, *vero*.

70 **106, 29. se spectatum, non fortunam,** "that he, not his condition, has been regarded;" that the favor was a personal one, not bestowed for a return. — **106, 30. qui est meritus,** "who has shown the kindness."— **107, 1. suum munus,** his own service in return.

107, 2. Videndumque illud est, "And we must notice this fact, that" etc.— **107, 3. si forte,** "if perchance" it remains any longer. Pro Mil. 38, 104 *Hicine vir patriae natus usquam nisi in patria morietur aut, si forte, pro patria?* — **107, 5. quae magna . . . multitudo est** = *quorum magna* etc.; as in I. § 14 *quam similitudinem* for *cuius rei similitudinem;* and often in other passages.

71 **107, 10. in contentionem,** "to a comparison," "to a conflict." — **107, 11. utrum . . . collocaret,** not "whether he was giving," indirect question; but "whether he would give" in case the alternative were presented to him.

107, 18. fac iuvare, "suppose that it does aid him." **utentior sane sit,** "he would be, I grant (*sane*), more in a position to meet expenses" etc. *utens,* present participle, as an adjective is quite unusual. Compare Gell. V. 9, 5 *cum antea non loquens* (capable of speaking) *fuisset, ob similem dicitur causam loqui coepisse;* and I. § 76 *parentiores.* Nägelsbach, Lat. Styl. § 72, c.

107, 19. ne impediant divitiae etc., "let not his wealth hinder his being aided, provided it does not help it," i. e. provided it does not constitute the reason for our aiding him.—**107, 21. sitque omne iudicium,** "and let the whole decision depend."

CHAPTER XXI.

72 **107, 27. de eo genere beneficiorum . . . quae**: Two constructions are confounded: *de eo genere, quod spectat,* and *de iis beneficiis, quae spectant.* The expression **quae ad . . . universos . . . pertinent** (l. 28) is strengthened or defined by *quaeque ad rem publicam pertinent;* it denotes the *beneficia* which affect the whole body of citizens, the whole state, as distinguished from *singulos* (l. 28). Comp. the division in § 65.

107, 30. Eorum ipsorum refers to *quae ad universos quaeque ad rem publicam pertinent.* These are again divided into those which affect all the citizens indiscriminately (*ut ad universos cives pertineant,* l. 31), and those which concern individuals alone (*singulos ut attingant*). Some confusion arises from the use of *singulos* in ll. 28 and 31 in different senses. In the first case, the benefit is conferred by one individual on another as a matter of personal favor; in the second, it is conferred in the exercise of an office, for instance, but does not reach all the members of the state indiscriminately. For a Roman the discharge of any office in the state, inasmuch as it is service performed without any compensation, is a *beneficium ad rem publicam pertinens.* Actions done in such an office may then affect the whole body of citizens alike, or, as in the case of a judge, they may affect individuals directly. The partitive genitive *Eorum ipsorum* depends on *partim,* as if that were a noun.

108, 1. etiam seems unnecessary, unless the idea be that while the general interests are consulted those of individuals should *also* be regarded.—**108, 2. sed ita, ut . . . ne**: This is the common form of expression (sometimes *ne*) when *ita* introduces a restriction or condition.

108, 3. C. Gracchi, tribune in B.C. 123. He carried a law that

every citizen living in Rome should receive a certain quantity of corn each month at 6⅓ *asses* the *modius*, hardly half the average market price. Mommsen, Röm. Gesch. II. p. 99.—108, 4. **M. Octavi**: We learn from Brut. c. 62, 222 that when M. Octavius was tribune the law of Gracchus was abrogated, but more than this is not known.

73 108, 9. **Philippus**, mentioned in I. § 108. As tribune and consul he opposed the party of the senate in resisting the measures of M. Livius Drusus; but he afterwards joined the party of Sulla. The sentence as at first begun would naturally have run somewhat thus: *Perniciose Philippus, cum . . . legem . . . ferret, dixit non esse in civitate* etc.; but after *ferret* Cicero mentions the circumstance *quam . . . passus est*, adds the remark *in eo . . . praebuit;* and feeling, perhaps, that this needed a little correction he changes the construction and adds the correction in *sed cum . . . populariter*, closing the sentence with *tum illud male* etc., which was what he intended to say at the beginning. The verb to be supplied with *Philippus* is therefore *dixit*, not *egit*.—108, 11. **vehementer moderatum**: See note on p. 104, 22.

108, 14. **Capitalis**, "worthy of severe punishment," "most pernicious."

108, 16. **tenerentur** has the greatest weight of MSS. authority. Heine prefers and reads *tenerent*, on the ground that *suus* cannot be used to denote possession unless *cuique* or *cuiusque* is expressed, or some subject can be supplied to which it refers. But the difficulty of supplying the subject varies in different cases; sometimes it is not indicated by anything in the sentence itself, and we must translate the pronoun by "a person's," "one's." Comp. the following examples cited by Müller: I. 5, 17 *animi excellentia in utilitatibus sibi et suis comparandis elucet;* II. 24, 86 *valetudo sustentatur notitia sui corporis;* De Fin. I. 20, 67 *amicitiae effectrices sunt voluptatum tam amicis quam sibi.*

108, 18. **duce natura**: See note on p. 70, 6.

74 108, 23. **Sin quae necessitas** etc.: "Cicero's presentiment was soon fulfilled, for the good order which Caesar introduced into the Roman finances came to an end with his death; and the armies became so expensive that the triumvirs were obliged to levy a war-tribute on the citizens." Heine. Mommsen, Röm. Gesch. III. p. 467.—108, 24. **huius muneris**, this service, gift, i. e. the *tributum*.—**malo enim alii** etc.: The reading *malo enim quam* etc. has the best MSS. authority, and is adopted by Müller.

Something, however, is wanting to the phrase; *alii* has very good support, and is adopted by Baiter II. The conjecture of Heine would be still better, *malo enim ita quam* etc.; he cites Ep. ad Att. XIII. 42, 1 *Cur pateris . . . Malo enim ita dicere, quam, cur committis*; Ep. ad Fam. III. 10, 1; De Fin. II. 19, 61; still all these passages have *ita dicere.*

75 **109, 3. C. Pontius,** the conqueror of the Romans at the Caudine Forks, B.C. 321. The original source of this anecdote is not known. From the death of C. Pontius, B.C. 292, to the *lex Calpurnia de repetundis*, B.C. 149, there were one hundred and forty-four years; so that *saecula* must be taken to mean "generations" rather than "centuries."

109, 7. modo is used sometimes, as here, of longer periods of time. See note on p. 20, 15.

109, 8. facile patior, "I am very glad." **siquidem,** "since," introduces the reason of his satisfaction.—**109, 9. tantum,** scil. *quantum in eo fuisse traditur.*

109, 11. lata lex est: "The *lex Calpurnia* (of *L. Calpurnius Piso*), B.C. 149, provided for the establishment of a permanent court (*quaestiones perpetuae*) for officials accused of extortion, and exacted as the penalty a simple restitution of the amount. This law was renewed by the *lex Iunia* during the third Punic war. The *lex Acilia* and, somewhat later, the *lex Servilia* (probably in B.C. 104) assigned rewards for the accusers, and set the penalty at double the sum of the amounts illegally levied; and to this might be added banishment. The *lex Cornelia* directed restitution of twice and a half the amount, and banishment or diminution of civil rights according to circumstances. Finally, the *lex Iulia*, B.C. 59, contained a number of minute provisions, and prescribed, in addition to the penalties already enacted, a fourfold restitution." Heine in loco.

109, 12. proxumae quaeque duriores, "the latest each more stringent;" in English, "each more stringent than the last;" but the Latin generally joins two comparatives or two superlatives; *proxumae quaeque durissimae*, or *quo propiores eo duriores.*—**109, 13. [Italicum] bellum:** Among the laws proposed by M. Livius Drusus during his tribunate, in B.C. 91, was one changing the constitution of the courts which tried cases of malfeasance in office; another extended the Roman franchise to the Italians. The moneyed aristocracy, probably from their fear of the first law (*propter iudiciorum metum*), opposed the second as well; and this led eventually to the Social war.

CHAPTER XXII.

76 **109, 16. Africanum,** *Scipionem Afr. minorem.* See Introd. §§ 28, 29.

109, 20. tantum . . . pecuniae: Vell. Paterc. I. 9, 6 *cuius (Pauli triumphus) tantum priores excessit vel magnitudine regis Persei vel specie simulacrorum vel modo pecuniae, ut qui bis miliens centiens aerario contulerit HS, ut omnium ante actorum comparationem amplitudine vicerit.*—**109, 22. finem attulerit tributorum**: This freedom from tribute continued until B.C. 43, the year after Cicero wrote this treatise.

109, 24. Imitatus patrem: The younger Scipio was a son of Aemilius Paulus, mentioned in the preceding sentence, but was adopted by P. Cornelius Scipio, son of the elder Africanus.

109, 25. collega fuit in censura, in B.C. 142.—On the siege of Corinth alluded to here, see note on p. 24, 16. Plin. Hist. Nat. 34, c. 7 *Mummius Achaia devicta replevit urbem non relicturus filiae dotem.*

77 **109, 30. unde egressa est**: Quint. IV. 3, 12 *hanc partem παρέκβασιν vocant Graeci, Latini egressum vel egressionem.* The common expressions for wandering from the subject are *digredi, digressio.*—**109, 31. avaritia**: Auct. ad Her. 4, 25 *avaritia est iniuriosa appetitio alienorum.*

110, 2. oraclum, namely, *ἁ φιλοχρηματία Σπάρταν ὀλεῖ, ἄλλο δὲ οὐδέν.* It was said to have been given to the kings Alcamenes and Theopompus.—**110, 3. id** refers, not exactly to *oraclum,* but to the general truth contained in it.

110, 7. abstinentia is primarily abstinence from what belongs to another; **continentia,** control of one's self, moderate enjoyment even of one's own things.

78 **110, 8. se populares volunt,** scil. *esse,* an omission not uncommon in Cicero. De Fin. V. 5, 13 *Strato physicum se voluit;* Tusc. Disp. V. 23, 66 *quis est omnium . . . qui se non hunc mathematicum malit quam illum tyrannum?*—**agrariam rem temptant**: The common expression for proposing land laws.—**110, 9. possessores** are those who occupied the public domain.—**110, 10. pecunias . . . putant,** who advocate a general compromising or cancelling of debts, *tabulae novae.*

110, 15. ut supra dixi, § 73 fin.—**110, 16. suae rei cuiusque**: *cuiusque* is better taken as feminine and in agreement with *rei,* not as masculine agreeing with *civis* understood. De Fin. V.

§ 46 *quia cuiusque partis naturae et in corpore et in animo sua quaeque vis sit;* Caes. Bell. Civ. I. 83 *et rursus aliae totidem (cohortes) suae cuiusque legionis subsequebantur;* Liv. III. 22, 6 *equites suae cuique parti collocat.*

79 110, 20. **in pecuniis creditis,** as in l. 10.— **110, 21. non fuisse solvendo,** "not to have been able to pay" their debts; so *oneri ferendo esse* and similar expressions. — **110, 22. prae se fert,** "carries before him," "lets every one see," opposed to *occultat,* l. 20.— **110, 25. numero . . . pondere,** as we say, "not by the quantity, but by the quality."

110, 26. Quam habet aequitatem, ut etc. = *Quam inique fit, ut* etc.: The construction is analogous to that with *aequum, verisimile est,* and similar expressions. Comp. Tusc. Disp. III. 3, 5 *Qui vero probari potest, ut sibi mederi animus non possit . . .?* Lact. 4, 23, 5 *quae insolentia est ut homini libero imponere velis leges?* See Draeg. Hist. Synt. § 406. — **110, 28. possessum,** "owned by another."

CHAPTER XXIII.

80 **110, 30. Lysandrum ephorum:** He was the associate of king Agis, who attempted to revive the institutions of Lycurgus at Sparta, and who failed partly from circumstances and the treachery of Agesilaus, partly from the want of interest of the people and the selfishness of the better classes. Agis was imprisoned and put to death B.C. 241; Lysander was sent into exile.— **111, 1. tyranni existerent:** After the banishment in B.C. 222 of Cleomenes III., who had also made attempts at reform, came Lycurgus, Machanidas, Nabis; in B.C. 192 Sparta came under the Achaean league.— **exterminarentur,** "were sent into exile."

111, 6. Africani nepotes: The brothers Gracchi were the sons of Tiberius Gracchus and Cornelia, a younger daughter of Scipio Africanus *maior.*

81 **111, 7. Aratus Sicyonius** was the son of Clinias, who, when archon of Sicyon, was murdered by Abantidas. Aratus escaped, and at the age of twenty returned to Sicyon and overthrew the usurper Nicocles B.C. 251. Under his guidance the city joined the Achaean league, of which he afterwards became general. He was poisoned in 213 at the instigation of Philip, king of Macedonia.

111, 16. possederant, from *possido,* "had taken possession of."— **111, 17. moveri,** "be disturbed."— **111, 20. sine iniuria,**

i. e. justly; the property was then in the possession of *bona fide* holders.

82 **111, 25. Ptolomaeum** *Philadelphum*, son of the Ptolomaeus who first reigned in Egypt after Alexander.

111, 27. liberare: As he had already overthrown Nicocles and brought back the exiles, this must refer to the completion of the undertaking, the freeing from all the consequences of the tyranny they had been suffering. — **causam docuisset,** "had informed him of the state of the matter." — **111, 29. grandi pecunia**: The amount was one hundred and fifty talents.

111, 31. causas cognovit, "he investigated the cases." — **112, 3. quod tanti esset,** lit. "what was of so much value," i. e. the equivalent of their former estates in cash.

83 **112, 7. bis iam vidimus,** i. e. under Sulla, and under Caesar.

112, 12. non divellere, "not to tear asunder," not to separate, so as to show partiality. — **atque** joins the affirmative to the negative clause; "not . . . but." This occurs where the affirmative is not so much an opposition to the negative as an explanation.

112, 13. Habitent gratis in alieno is the order of Caesar, and is introduced as an objection to be answered in what follows: *Quid ita?* Caesar granted to the poorer house-tenants remission of a year's rent. Dio Cassius, 42, 51 *τοῖς τε γὰρ πολλοῖς ἐχαρίσατο τόν τε τόκον τὸν ἐποφειλόμενόν σφισιν ἐξ οὗ πρὸς τὸν Πομπήιον ἐξεπολεμώθη πάντα, καὶ τὸ ἐνοίκιον, ὅσον ἐς πεντακοσίας δραχμὰς ἦν, ἐνιαυτοῦ ἑνὸς ἀφείς.* Before this the praetor M. Caelius Rufus had brought forward a proposal to cancel all current claims for house-rent, but failed to carry it through; in the following year the tribune P. Dolabella also attempted the same thing unsuccessfully.

112, 14. tuear, "maintain," keep in order; **impendam,** "lay out" money.

112, 15. Quid est aliud . . . eripere: *eripere* is the subject; "What else is taking away one person's property" etc., if it be not what I have just described? In English we reverse the order of the comparison: "What else is what I have just described, if it be not taking away one person's property" etc.; What is this but robbing one person to give to another?

84 **112, 16. Tabulae** are account-books; *tabulae novae* was the common phrase for a general reduction or cancelling of debts. — **112, 17. argumenti** is here "the meaning," the real point.

CHAPTER XXIV.

112, 21. non, si fuerit, etc.: The full expression would be: *non faciendum est, si fuerit aes alienum, ut locupletes* etc. *faciendum est* is to be supplied from *providendum est.* So often a general expression from a special, or an affirmative from a negative one. Ep. ad Fam. V. 19, 2 *si feceris id quod ostendis, magnam habebo gratiam; si non feceris, ignoscam, et alterum timori* (scil. *tribuam*), *alterum mihi te negare non potuisse arbitrabor.*

112, 25. vehementius actum est . . . ne solveretur: Catiline promised to his followers a cancelling of debts; Sall. Cat. c. 21 *tabulas novas, proscriptionem locupletium, magistratus, sacerdotia, rapinas;* and the messengers of Manlius Rex declared that they had been forced into rebellion by the pressure of their indebtedness.—**112, 26. armis et castris**: So III. § 116 *viris equisque;* Tusc. Disp. III. 11, 25 *omni contentione velis, ut ita dicam, remisque fugienda.*—**112, 27. ita restiti**: Cicero threatened, when the rebellion was put down, to sell the goods of debtors at auction, if payment were not made. Catil. II. § 18 *meo beneficio tabulae novae proferentur, verum auctionariae.*

112, 28. Numquam . . . dissolutum est: This statement seems to show that during his consulship Cicero carried through some measure for the relief of debtors.

112, 31. hic nunc victor, i. e. Caesar. Cicero says that Caesar, now victorious (as still living in the results of his legislation), carried through the measures which he had devised when he was conquered (in the conspiracy of Catiline), although it was no longer for his interest to do so as it then was, because he had become rich since the Gallic war and his victory over Pompey; and he ascribes this to a wanton passion for wrong-doing. At the time of Catiline's conspiracy Caesar was in fact deeply in debt, to the amount of twenty-five millions of *sesterces;* and he might have been very glad at that time to see a general cancelling of debts. But in Bell. Civ. III. c. 1 he gives his own reason for the legislation which Cicero here blames: *cum fides tota Italia esset angustior neque creditae pecuniae solverentur, constituit ut arbitri darentur, per eos fierent aestimationes possessionum et rerum, quanti quaeque earum ante bellum fuissent, atque eae creditoribus darentur.*

86 **113, 15. Antipater Tyrius** was a contemporary of Cato Uticensis and lived for some time in his house. He is not to be

confounded with Antipater of Tarsus, mentioned in III. 12, 51.—**113, 18. quas res . . . praeteritas**: The discussion of the *utile* has been confined to the means of acquiring the favor of one's fellow-men with a view to success in life. We know, of course, nothing as to whether Panaetius himself restricted it in this manner; but the counsels which Cicero adds do not fairly come within the domain of ethics. His remarks on the care of health are practical only, he says nothing of the duty; and the management of property he rightly thinks would be better taught by the bankers than by the philosophers.

113, 19. Sed: The force of this is: "But not to pass these over in silence I will say that" etc.—**113, 20. sui corporis**: See note on p. 108, 16.

87 **113, 29. ista fere aetate,** i. e. of twenty-one years.

113, 32. vellem: The tense expresses a wish that cannot be fulfilled; "I could wish they might" etc., but they do not.—**quibusdam optumis viris** seems to be said with a little irony; but the commentators are divided on this question.—**114, 1. ad Ianum medium**: This was one of the passages leading to the forum, where the money-changers had their booths. Compare Horace, Sat. II. 3, 18 *postquam omnis res mea Ianum Ad medium fracta est, aliena negotia curo;* and Epist. I. 1, 53 "*quaerenda pecunia primum est, Virtus post nummos,*" *haec Ianus summus ad imum Perdocet.*

CHAPTER XXV.

88 **114, 5.** The second part of the discussion of the *utile*, namely, *duobus propositis utilibus utrum utilius* (I. 3, 10), is disposed of in a very summary manner.

114, 14. externorum: Instead of *externa*, scil. *hoc modo comparantur*, Cicero writes *externorum*, having in mind *corporis*, l. 9, and *ipsa inter se corporis*, as if the full expression were *externorum commoda*, and not *commoda externa*.—**vectigalia urbana,** income from real estate, factories, or mercantile speculations. So Atticus (Nepos Att. 14) *Nullos habuit hortos, nullam suburbanam aut maritimam sumptuosam villam, neque in Italia praeter Arretinum et Nomentanum rusticum praedium; omnisque eius pecuniae reditus constabat in Epiroticis et urbanis possessionibus.*

114, 17. pascere is to raise cattle.—**114, 18. Male pascere**: This with *quid quartum* is wanting in most of the MSS. It is probable that Cicero wrote it, from comparison with a similar passage in Columella, Bk. VI., where he gives the first two an-

swers of Cato, and adds what follows: *Ceterum de tam sapiente viro piget dicere, quod eum quidam auctores memorant eidem quaerenti, quodnam tertium in agricolatione quaestuosum esset, adseverasse, si quis vel male pasceret.* *Male pascere* must be understood to mean, to raise cattle with only a small profit; even that, Cato said, was better than *arare*, tilling the ground and raising grain.

BOOK III.

CHAPTER I.

1 **128, 2. scripsit Cato,** probably in the *ἀποφθέγματα*, mentioned I. 29, 104. — **128, 3. fere aequalis**: Cato, as quaestor, accompanied the proconsul Scipio to Sicily in B.C. 204; Scipio was consul in 205, Cato in 195.— **otiosum**: *otium* denotes "freedom from occupation;" this may be either "leisure" or "idleness." The remark of Cato turns upon this difference.

128, 10. Vellem . . . liceret, "I wish that I could with truth say the same thing," but I cannot do so.— **128, 14. armis impiis,** i. e. the arms of Antony. This happened at the time of the delivery of the second Philippic, in the latter half of September, 44; so that the third book was written after that time. Phil. V. 6, 17 *An illa non gravissimis ignominiis . . . sunt notanda, quod unus M. Antonius in hac urbe post conditam urbem palam secum habuerit armatos?* — **128, 15. persequimur** with *otium* must mean "I give myself up completely to (continually to)," the force of *per* being temporal. — **rura peragrantes,** "roaming about in the country from one place to another." Cicero was obliged constantly to change his abode for fear of his enemies, and lived at this time chiefly at his villas near Astura, at Pompeii, and Puteoli.

2 **128, 16. hoc otium,** "this leisure of mine."

128, 19. aliquando = interdum, "at times."—**128, 22. constitutum est,** "has been established," "rendered necessary," "forced upon me;" it is contrasted with *Ille . . . sumebat*, l. 18.

128, 23. Extincto senatu: Three days after the death of Caesar Antony occupied with armed men the temple of Tellus, where the senate was to decide upon the measures to be taken in the emergency, and several times afterwards he occupied the temple of Concord, the ordinary place of meeting. Phil. V. 7, 18 *Illud vero taeterrimum non modo adspectu, sed etiam auditu, in cella Concordiae collocari armatos, latrones, sicarios; de templo carcerem fieri; opertis valvis Concordiae, cum inter subsellia sena-*

tus versarentur latrones, patres conscriptos sententiam dicere.— **deletis iudiciis,** because the praetors Brutus and Cassius had been obliged to flee from the city.

3 **123, 25. qui in maxima celebritate . . . vixerimus,** "whereas I lived (lit.) in a very great concourse," i. e. always surrounded by a throng of men. The indicative *qui viximus* would have stated simply the fact; the subjunctive calls attention to the contrast between the former and the actual circumstances. So De Fin. II. 32, 106 *hic se ad ea revocat e quibus nihil umquam rettulerit ad corpus.* Plut. Cic. 8 ἐθεράπευον δὲ καθ' ἡμέραν ἐπὶ θύρας φοιτῶντες οὐκ ἐλάττονες ἢ Κράσσον ἐπὶ πλούτῳ καὶ Πομπήιον διὰ τὴν ἐν τοῖς στρατεύμασι δύναμιν.—**124, 2. abdimus nos**: compare above *rura peragrantes.*

124, 3. hominibus doctis = *philosophis*: See note on p. 102, 29. —**124, 6. otio fruor,** "I turn my leisure to account."—**124, 7. debebat**; The indicative, as usual with the verbs *debeo, oportet, necesse est, possum* etc., instead of the subjunctive in the apodosis. "Not that leisure which one would be entitled to (if justice were done him), who had once procured quiet for the state."—**124, 8. eam solitudinem languere,** i. e. *me in ea solitudine languere.* Compare I. 10, 32 *illis promissis . . . quae liberantur;* II. 19, 68; III. § 36.

4 **124, 9. Quamquam** introduces a limitation of what precedes. "However (although I improved my leisure in writing), Africanus" etc. The drift of what follows is that a man who by force of mind can occupy his leisure in simple meditation is worthy of higher praise than one who improves it in some sort of work. This is true in so far that greater self-control is required for the purpose, and that men often have recourse to engrossing labor in order to escape from the pressure of sorrow or annoyance. But there would seem to be no especial merit in bearing this in idleness; and Cicero too often speaks with pride of the philosophical works with which he occupied this enforced leisure for us to believe in the entire sincerity of what he says here. Acad. II. 2, 6 *quis reprendet otium nostrum, qui in eo non modo nosmet ipsos hebescere et languere nolumus, sed etiam, ut plurimis prosimus, enitimur. Gloriam vero non modo non minui, sed etiam augeri arbitramur eorum, quorum ad popularis inlustrisque laudes has etiam minus notas minusque pervolgatas adiungimus.*

124, 14. quas cogitando consequebatur, "which he used to meditate upon." So Verr. II. 4, 26, § 57 *omnia alicuius facta aut*

memoria consequi etc.; Div. in Caec. 12, 39 *tantam causam diligentia consequi.*—**124, 16. solitudine,** the feeling of loneliness; compare *solitudinis*, l. 12, the living alone. So *solus* on p. 123, 4, *nec minus solum, quam cum solus esset.*

124, 18. plura . . . scripsimus: See Introd. § 7. Most of the philosophical and rhetorical works were written during the last three years of his life.

CHAPTER II.

5 **124, 22. de officiis, a quibus**: If Cicero really wrote *a quibus*, the expression is not an accurate one. The precepts of good living are not derived from the duties, the duties are rather derived from the precepts; perhaps *a quo* would have been logically more correct, referring to *locus*.

124, 24. Cratippo: See I. 1, § 2.—**124, 25. huius memoriae,** "of our time." So Orat. I. 2 *multi nostra, plures patrum memoria atque etiam maiorum.*—**124, 27. circumsonare** is better taken in the active sense, "to fill one's ears;" hence the subject of *audire* is expressed (*eas*). Liv. III. 28, 3 *clamor hostes circumsonat;* Verg. Aen. VIII. 474 *Rutulus murum circumsonat armis.* So *personare* in Ep. ad Fam. VI. 18, 4 *iam tamen personare aures eius huius modi vocibus non est inutile;* but this passage is also quoted for the intransitive meaning. The action is more clear in Hor. Ep. I. 1, 7 *Est mihi purgatam crebro qui personet aurem.*

6 **124, 31. sustines . . . expectationem,** "you bear the weight of, you will have to meet, a no slight expectation (on the part of those who know you) that you will imitate my industry" etc. Heine notes that *non parvam*, *magnam*, and *non nullam* are chosen as qualifications of *expectationem* in the three expressions because of the genitives *industriae*, *honorum*, and *nominis;* i. e. Cicero's *industria* was *non parva*, his *honores* were *magni*, his *nomen* was *non nullum;* so respectively the *expectatio*.

125, 1. Suscepisti onus Athenarum, "you have taken upon yourself a burden (in respect) of Athens" etc.; i. e. you will be expected to show that you have profited by your stay there.—**125, 2. ad mercaturam,** "for the purchase, acquisition" etc.

125, 6. discendi depends on *labor* understood; and this is the subject of *est*. De Nat. Deor. II. 67, 168 *mala et impia consuetudo est contra deos disputandi.*—**125, 8. cum omnia suppeditata sint a nobis**: M. Cicero had complained to Tiro, a freedman of his father, of having had no remittance of money since

the beginning of April. His father then wrote to Atticus (XV. 15, 4) *tibi pro tua natura semper placuisse teque existimasse id etiam ad dignitatem meam pertinere, eum non modo liberaliter a nobis, sed etiam ornate cumulateque tractari. Quare velim cures . . . ut permutetur Athenas, quod sit in annuum sumptum ei.* Cicero had set apart for his son the rents of the houses of Terentia, which amounted annually to a hundred thousand sesterces.

125, 10. reliquam partem, i. e. concerning the conflict between the *honestum* and the *utile.* **propositae,** in I. 3, 9.

7 **125, 12. Panaetius**: For the division of the subject, see I. 3, 9; comp. also Ep. ad Att. XVI. 11. With **igitur** Cicero returns to the subject of the treatise.—**125, 21. explicavit,** "treated at length." De Orat. I. 35, 163 *perfice ut Crassus haec, quae coartavit et peranguste refersit in oratione sua, dilatet nobis atque explicet.* —**125, 22. nec exsolvit,** "but did not do."

8 **125, 24. Posidonio**: Posidonius is the only one of the numerous disciples of Panaetius of whose teachings we have any knowledge. He was from Apamea, in Syria, and taught during the first half of the first century before Christ, in Rhodes. It was there that Cicero and many other Romans enjoyed his instruction.—**triginta annis**: If we insist here upon the general rule that the accusative denotes duration and the ablative a point of time, we must take *vixisse* as meaning "was living," namely, at the point of time thirty years after the publication of the book. But the ablative is occasionally used to express duration, as in Caes. Bell. Civ. I. 46 *hoc cum esset modo pugnatum continenter horis quinque.*

125, 26. in quibusdam commentariis: Cicero thus translates the Greek ὑπομνήματα. Ep. ad Att. XVI. 11, 4 *Eum locum Posidonius persecutus. Ego autem et eius librum arcessivi et ad Athenodorum Calvum scripsi, ut ad me τὰ κεφάλαια mitteret; quae exspecto . . . In eo est περὶ τοῦ κατὰ περίστασιν καθήκοντος* (concerning duty as dependent upon circumstances).

9 **125, 29. sed consulto relictum,** scil. *dicunt* supplied from the preceding *negant.* Tusc. Disp. I. 49, 119 *Habes epilogum, ne quid praetermissum aut relictum putes.*

125, 31. De quo, "And in respect to this."—**125, 32. habere dubitationem,** "be doubtful." So II. 22, 79 *quam habet aequitatem;* III. 29, 105 *habet aliquid offensionis;* Ep. ad Fam. X. 18, 1 *habere obtrectationem.*—**adhibendumne fuerit hoc genus,** "whether this point ought to have been brought into the discussion." Acad. I. 11, 39 *de naturis sic sentiebat, primum ut quattuor initiis*

rerum illis quintam hanc naturam, ex qua superiores sensus et mentem effici rebantur, non adhiberet.—**126, 2. dubitari non potest . . . sed relictum,** "there is no doubt that it was taken up by Panaetius, but (afterwards) dropped." On p. 125, 30 he says *consulto relictum*, "designedly omitted," as opposed to *praetermissum*, "simply passed over;" here he says *relictum*, apparently in the same sense as *praetermissum*, since he goes on to say that Panaetius promised to treat the point. So Verr. II. 1, 33, § 84 *cur causam populi Romani deseruisti ac prodidisti? cur iniurias tuas coniunctas cum publicis reliquisti?*

10 **126, 7. testis locuples,** "a perfectly reliable and sure witness," *firmus et certus*.—**126, 8. P. Rutilium Rufum**: He was consul B.C. 105. Six years after he accompanied the proconsul Q. Mucius Scaevola to the province of Asia. He there defended the provincials against the rapacity of the *publicani*, who belonged to the equestrian order. On his return he was himself indicted for peculation, and, as the equites then had possession of the courts, was condemned to exile in B.C. 93. He afterwards lived at Smyrna, and was held in high esteem by the provincials; Cicero met him there in 78. In Brut. 30, 114 he is spoken of as *Panaetii auditor, prope perfectus in Stoicis*.—**126, 9. ut . . . esset inventus,** "as no painter had been found;" *ut* corresponds to *sic*, l. 13.—**nemo . . . qui . . . absolveret,** "no one to finish," no one capable of finishing.—**126, 10. in Coa Venere**: This is the picture alluded to by Pliny: H. N. XXXV. 10, 92 *Apelles inchoaverit et aliam Venerem Coi superaturus famam illam suam priorem. Invidit mors peracta parte, nec qui succederet operi ad praescripta liniamenta inventus est.* Apelles had already painted for the temple of Aesculapius, in the island of Cos, the famous picture of the Venus Anadyomene. It represented the goddess as just rising from the sea, and was one of the most celebrated pictures of antiquity. It was afterwards placed by Augustus in the temple dedicated to Iulius Caesar. Strabo, 14, p. 657.—**126, 12. reliqui corporis imitandi,** i. e. of painting the rest of the figure in the same style; **spem auferebat,** "made it a hopeless task."

CHAPTER III.

11 **126, 16. de iudicio Panaeti,** his opinion as to whether this question was open to discussion.—**126, 18. disputari,** "be discussed" in weighing the reasons for and against it; which is the sense of the word in classical Latin. See also note on p. 12, 13.

Acad. II. 3, 7 *neque nostrae disputationes quicquam aliud agunt, nisi ut in utramque partem dicendo et audiendo eliciant et tamquam exprimant aliquid, quod aut verum sit aut ad id quam proxime accedat.*

126, 20. ita, "in such a sense," *ut omnia* etc. The metaphor borrowed from the balance is found also in Tusc. Disp. V. 17, 51 *quo loco quaero, quam vim habeat libra illa Critolai, qui cum in alteram lancem animi bona imponat, in alteram corporis et externa, tantum propendere illam putet, ut terram et maria deprimat.* The difference between the Stoics and the Peripatetics here noted was that the former held *in theory* that nothing was to be desired but virtue; the latter allowed that other things might to a certain extent be desirable, but not so as at all to be compared with virtue.

126, 25. Socratem etc.: De Leg. I. 12, 33 *recteque Socrates exsecrari eum solebat, qui primus aequitatem a iure seiunxisset;* Clem. Alex. Strom. II. p. 499 Κλεάνθης ἐν τῷ δευτέρῳ περὶ ἡδονῆς τὸν Σωκράτην φησὶ τῷ πρώτῳ διελόντι τὸ δίκαιον ἀπὸ τοῦ συμφέροντος καταρᾶσθαι ὡς ἀσεβές τι πρᾶγμα δεδρακότι.

12 **126, 29. Quodsi is esset, qui . . . diceret,** "But if Panaetius were a man to say" etc.; if he were, that is, as we gain knowledge of him now from his works; hence the imperfect subjunctive.—**126, 30. efficiens utilitatis**: So Timae. c. 14 *adiuvantia causarum; efficientes pulcherrimarum rerum;* Pro. Planc. c. 33 *religionum colentes.*—**126, 31. vel voluptate,** such as Aristippus and his school, **vel indolentia,** such as Hieronymus of Rhodes, *qui censet summum bonum esse sine ulla molestia vivere* (De Fin. II. 5, 16). Epicurus combined both views. De Fin. I. 9, 29 and 11, 37. *Indolentia* is a word of Cicero's coinage, which he employs in De Fin. II. 4, 11 with *ut ita dicam* to excuse it. It is equivalent to the Greek ἀναλγησία, *nihil doloris, doloris omnis amotio, doloris vacuitas,* as he variously expresses it.—**127, 1. aliquando** =*interdum*, as above § 2.

13 **127, 8. convenienter naturae vivere**: The same definition of the *summum bonum* is given in De Fin. III. 9, 31 *relinquitur, ut summum bonum sit vivere scientiam adhibentem earum rerum, quae natura eveniant, seligentem, quae secundum naturam, et, quae contra naturam sint, reicientem, id est, convenienter congruenterque naturae vivere.* See Introd. § 12 and 13. Stob. Ecl. Eth. II. 134, Ἀντίπατρος δὲ (τὸ τέλος ἀπέδωκε) ζῆν ἐκλεγομένους μὲν τὰ κατὰ φύσιν, ἀπεκλεγομένους δὲ τὰ παρὰ φύσιν διηνεκῶς. The general

Stoic definition of the highest good was (Stob. ibid.) τὸ ὁμολογουμένως τῇ φύσει ζῆν, τὸ κατὰ φύσιν ζῆν, which is the same as τὸ κατ' ἀρετὴν ζῆν, the virtuous life, *cum virtute congruere semper.* The rest of the definition, *cetera autem* etc., relates to practical life and our relation to things about us. In theory the Stoics considered everything except virtue to be devoid of good; but in practice they admitted a difference, so that some things, the προηγμένα, are desirable; and these we should *ita legere, si ea virtuti non repugnarent.* See Introd. § 23 and 24. — **127, 11. essent** and **repugnarent**: Impf. subj. as if the leading verb were in the past tense = the Stoics held etc.

127, 15. quod proprie vereque dicitur, "which is properly and truly called" *honestum*, i. e. in the strict philosophic sense.— **id in sapientibus est solis**: See Introd. § 22.— **127, 17. in quibus sapientia perfecta non est,** i. e. in mankind in general, since the ideal *sapiens* was never found.— **127, 18. similitudines honesti**: Compare I. 15, 46 *cum iis, in quibus praeclare agitur si sunt simulacra virtutis;* and p. 128, 16.

14 **127, 19. Haec enim officia . . . media**: See I. 3, 8 and notes. — **127, 22. progressione** is Cicero's translation of προκοπή. According to the strict Stoic doctrine, as has before been observed, the *sapiens* alone could be virtuous; virtue was absolute, admitting of no degrees, either wholly possessed or not at all. Thus a progression in the virtuous life, προκοπή, was impossible. But in common life the Stoics were forced to recognize the possibility of a προκοπή, and this, aided by a good natural disposition, εὐφυΐα τῆς ψυχῆς (*ingenii bonitas*), enabled men to come near the ideal. Acad. I. 5, 20 *In qua quod inchoatum est neque absolutum, progressio quaedam ad virtutem appellatur.*

127, 22. officium . . . rectum, the κατόρθωμα, the action of the *sapiens*, admitting no degrees, absolutely right independently of circumstances. See Introd. § 22. — **127, 24. omnes numeros habet,** πάντας ἔχων τοὺς ἀριθμούς: so Antonin. III. 1 τοὺς τοῦ καθήκοντος ἀριθμοὺς ἀκριβοῦν. Acad. I. 3, 9 *varium et elegans omni fere numerc, poema.* Whether the metaphor is drawn from poetry or the training-school, it denotes the possession of all the elements necessary to make a whole. De Nat. Deor. II. 13, 37 *mundus perfectus expletusque omnibus suis numeris atque partibus.*

15 **127, 27. id cumulate videtur esse perfectum,** "that seems to be fully perfect," i. e. it *seems* to lack no element of an action absolutely good, *omnes numeros continentis*, because the real dif-

ference is disregarded in common life.—**127, 30. quod idem . . . ut** etc.: A common redundancy of expression; comp. I. 32, 116 *quod idem fecit Timotheus, qui . . . adiecit.*

CHAPTER IV.

128, 5. quasi secunda quaedam honesta: *quasi* excuses the expression *secunda honesta*, "right actions of the second class," for there can really be only one *honestum*. The Stoics said *μέσα καθήκοντα*, *media officia*, but not *δεύτερα καλά*. S. Ambr. De Off. III. 3 says *cui* (*κατόρθωμα*) *secundum est commune officium.*

16 **128, 8. commoventur,** scil. *ad admirationem.*

128, 15. illi septem, *οἱ ἑπτά* or *οἱ ἑπτὰ σοφοί.*—**mediorum officiorum frequentia,** "from the great number of common duties" which they performed; from their general observance of common duties. De Orat. I. 43 fin. *frequentia civium;* so *epistolarum frequentia.*—**128, 16. similitudinem . . . sapientium:** Comp. p. 127, 18 *similitudines honesti*, and note.

17 **128, 18. cum utilitatis repugnantia,** i. e. *cum utilitate quae* or *quando honestati repugnat.* I. § 122 *ineuntis aetatis inscitia constituenda est.*—**128, 24. sapientibus,** scil. *conservandum est.*—**128, 25. si qua . . . progressio,** i. e. whatever advance we make etc.; this is the subject of *potest.*

18 **128, 28. praeponderari**: The same figure of the balance as in § 11.

128, 32. hoc ipsum sensisse, quod dixerit, etc., "meant exactly what he said," and no more; namely *solere*, that men were accustomed to do so, *non etiam oportere*, not that it was also right for them to do.

129, 7. quale sit id, i. e. the doubt is not whether a useful action should be preferred to a good action, but what the nature of the action really is.

19 **129, 8. tempore,** "the circumstances;" oftener in the plural, as I. 18, 59 *temporum gradus;* § 39 *temporibus adducti.*—**129, 9. exempli . . . latius**: So I. § 51 *quod ab Ennio positum in una re transferri in permultas potest.*

129, 14. Populo quidem Romano etc.: The allusion is again to the murder of Caesar; comp. II. 7, 23. Cicero several times expresses his approval of this; see III. 21, 85; Ep. ad. Att. XIV. 16, 2 *Mihi quidem videtur Brutus noster iam vel coronam auream per forum ferre posse.*

129, 16. honestas . . . secuta est: The MSS. read *honestas*

utilitatem secuta est, which would mean that the right accompanied or was a consequence of the useful; this would be contrary to the whole drift of the passage. The emended text as here given is generally received, and is confirmed by the corresponding passage in S. Ambr. De Off. III. 9, 60 *itaque et honestas utilitati praelata est et utilitas secuta est honestatem.*

20 **129, 25. veteribus Academicis,** the old Academy, the immediate successors of Plato, to distinguish them from the middle and the new Academy, founded by Arcesilas and Carneades.—**129, 26. idem erant**: See I. § 2 and note.—**129, 28. splendidius**: So in Tusc. Disp. III. § 22 *sententiis tamen utendum eorum* (*Stoicorum*) *potissimum, qui maxime forti et, ut ita dicam, virili utuntur ratione.*

130, 1. licentiam dat, ut . . . liceat: See I. § 8 *sic definiunt ut . . . definiant.*—**maxime probabile** etc.: Tusc. Disp. V. § 33 *Cum aliis isto modo, qui legibus impositis disputant; nos in diem vivimus; quodcumque nostros animos probabilitate percussit, id dicimus, itaque soli sumus liberi.*

CHAPTER V.

21 **130, 5. contra naturam**: As right action consists in living according to nature (§ 13 *convenienter naturae vivere*), so wrongdoing is *contra naturam. Detrahere alteri aliquid* is *contra naturam* in that (l. 8) it undermines human society, and (l. 23) it is contrary to positive law.

130, 12. humani generis societatem: Dig. I. 1, 3 *Cum inter nos cognationem quandam natura constituit, consequens est, hominem homini insidiari nefas esse.*

22 **130, 18. unum quodque membrum** etc.: Cicero probably had in mind the fable of Menenius Agrippa, Liv. II. 32. Comp. Xen. Mem. II. 3, 18; Sen. De Ira, II. c. 31; S. Paul. ad Corinth. I. 1, 12. **Ut** (l. 12) corresponds to *sic* (l. 16). Compare *si . . . haberet, . . . necesse esset* and *si . . . rapiat, . . . necesse est.*

130, 21. concessum est non repugnante natura: *natura* seems to be used here in the same sense as at the beginning of the next section, and to be equivalent to the *ius gentium*, or the *ius naturale;* see the next note. In I. 8, 25 Cicero says *Nec vero rei familiaris amplificatio nemini nocens vituperanda est, sed fugienda semper iniuria est.* Arist. Eth. Mag. II. 11, 42: Αὐτοὶ αὑτοῖς ἂν μάλιστα βουλοίμεθα (καὶ γὰρ τἀγαθὰ καὶ τὸ εἶναι, καὶ τὸ εὖ εἶναι), ὁμοιοπαθέστατοι δ' αὑτοῖς ἡμῖν ἐσμέν, καὶ συζῆν τε μεθ' ἑαυτῶν μάλιστα βουλόμεθα.

23 **130, 24. iure gentium**: Gai. Inst. I. 1 *quod vero naturalis ratio inter omnes homines constituit, id apud omnes populos peraeque custoditur, vocaturque ius gentium.* Iustin. Inst. I. 2 *nam quod quisque populus ipse sibi ius constituit . . . id vocatur ius civile, quod vero naturalis ratio inter omnes homines constituit, id . . . vocatur ius gentium, quasi quo iure omnes gentes utuntur.* Thus *ius gentium* or *ius naturale* in Roman Law is our "natural right;" the law of nations in English law is that which regulates the mutual intercourse between states, commonwealths, and nations. —**legibus populorum,** i. e. our civil law, statute law.—**130, 26. ut non liceat** etc.: Iustin. Inst. I. 1, 3 *Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere.*

130, 30. ipsa naturae ratio is one of Cicero's expressions for law in its most general sense, the universal reason pervading the universe. In the De Leg. he gives several others: I. § 18 *ratio summa insita in natura;* § 19 *a lege ducendum est iuris exordium; ea est enim naturae vis;* § 33 *recta ratio in iubendo et vetando.* Diog. Laert. VII. 88 *κοινὸς νόμος, ὅσπερ ἐστὶν ὁ ὀρθὸς λόγος διὰ πάντων ἐρχόμενος ὁ αὐτὸς ὢν τῷ Διὶ καθηγεμόνι τούτῳ τῆς τῶν ὄντων διοικήσεως ὄντι.* It is the *recta ratio* of the Deity; De Leg. II. 4, 10 *Erat enim ratio profecta a rerum natura et ad recte faciendum inpellens et a delicto avocans, quae non tum denique incipit lex esse, quom scripta est, sed tum, quom orta est; orta autem est simul cum mente divina. Quam ob rem lex vera atque princeps apta ad iubendum et ad vetandum ratio est recta summi Iovis.*

24 **131, 4. comitas, iustitia, liberalitas**: In I. § 20, when following Panaetius, he brought *comitas* under *liberalitas*, a subdivision of *iustitia.* Here he divides as in § 18 below; *comitas, iustitia,* and *liberalitas* are parts of *communitas.*

26 **131, 27. hominem ex homine tollat,** i. e. takes from him what really makes him a man.

CHAPTER VI.

131, 31. unum debet, "of all things this should" etc. *unus* has here the same emphatic force that it has with superlatives, *unus praestantissimus, unus maximus.* Comp. § 28 *haec enim una virtus omnium est domina.* De Nat. Deor. II. 29, 74 *in te convenit, unum moribus domesticis ac nostrorum hominum urbanitate limatum.*

27 **132, 6. omnium utilitatem esse communem,** "that the expediency of all (as individuals) is common" (of mutual concern).

Quint. VII. 3, 24 *Quod autem commune cum alio est, desinet esse proprium.*

132, 7. una . . . et eadem lege naturae: In some other passages Cicero explains more clearly the nature of this universal brotherhood. De Leg. I. 7, 23 *quibus autem haec* (*lex et ius*) *sunt inter eos communia, ei civitatis eiusdem habendi sunt; si vero isdem imperiis et potestatibus parent, multo etiam magis; parent autem huic caelesti discriptioni mentique divinae et praepotenti deo; ut iam universus hic mundus una civitas sit communis deorum atque hominum existimandi.* De Fin. III. 19, 64 *Mundum autem censent regi numine deorum eumque esse quasi communem urbem et civitatem hominum et deorum, et unum quemque nostrum eius mundi esse partem; ex quo illud natura consequi, ut communem utilitatem nostrae anteponamus.*

28 **132, 10. Nam** anticipates an objection.

132, 15. distrahit, "divides, distracts, breaks up."

132, 19. quae qui tollunt etc.: Stob. Ecl. Eth. II. 216 *πᾶν ἁμάρτημα ἀσέβημα εἶναι, τὸ γὰρ παρὰ τὴν βούλησίν τι πράττεσθαι τοῦ θεοῦ ἀσεβείας εἶναι τεκμήριον.*

132, 21. Ab iis, i. e. *a diis immortalibus.*—**132, 25. externa** *commoda* are the *vitae bona*, such as riches, power, glory; *incommoda*, their opposites. **animi** *commoda:* Stob. Ecl. Eth. II. 146 *τῶν δὲ προηγμένων τὰ μὲν εἶναι περὶ ψυχὴν τὰ δὲ περὶ σῶμα τὰ δ' ἐκτός. περὶ ψυχὴν μὲν εἶναι τὰ τοιαῦτα εὐφυΐαν, προκοπήν, μνήμην, ὀξύτητα, διάνοιαν . . . καὶ τέχνας ὅσαι δύνανται συνεργεῖν ἐπιπλεῖον πρὸς τὸν κατὰ φύσιν βίον.* The common texts have *quae vacent iniustitia*, with no break; but the sense is very unsatisfactory. Lambinus thought that something had been lost, which he thus supplied: *et rursus magis esse secundum naturam hominem homini prodesse, quam omnia commoda percipere vel externa vel corporis vel etiam ipsius animi, quae vacent iustitia.*

29 **132, 28. Forsitan quispiam dixerit** introduces the second objection, the first having just been answered (l. 10), *Nam illud quidem absurdum est.*

132, 30. [Minime vero . . . gratia]: The sentence is bracketed because the answer to the objection naturally begins with *Haec ad iudicandum sunt facillima* (133, 3); it is also in contradiction with what is afterwards said.—**132, 31. animi adfectio** is defined by *neminem . . . gratia.* The virtues are considered to be *adfectiones animi.*

132, 32. Phalarim: See II. § 26.

30 **133, 3. si . . . detraxeris . . . feceris**: The future perfect in such cases as this draws attention to the condition of the agent after the performance of the action. Ep. ad Fam. X. 14 *quod si erit factum, et rem publicam divino beneficio affeceris, et ipse aeternam gloriam consequere.*— **133, 4. ad nullam partem,** "in no respect."— **133, 7. si . . . remaneas** is inserted in and limits *qui . . . possis,* which depends on *sin . . . sis;* and this depends on *non sit reprehendendum,* which has a second condition *si . . . detraxeris,* resuming the preceding. We should say "But if you are a person to profit the state greatly by preserving your life, *and* for this reason you take something from another, it is not blameworthy."

133, 9. id refers to the case just supposed.

133, 11. Non igitur etc.: *igitur* refers to the admission made in the sentence beginning *sin autem is tu sis* (l. 6), that for the good of the state one may rightly take from another. *Non igitur* etc.: "We are not therefore to say that disease or poverty, or the like, are more contrary to nature than the taking or seeking another man's property; but rather that" etc.

31 **133, 15. lex . . . decernet profecto**: It is to be noticed that Cicero limits the relaxation of the rule to cases where it is necessary for the preservation of life, *res ad vivendum necessariae* (l. 18), and where the public interest is concerned (l. 6). But he makes the taker of the property the judge of his own importance to the state, and of the corresponding uselessness of the person who suffers the loss.— **133, 21. hanc causam** refers to the preceding *ipse . . . diligens.*

32 **133, 27. est honestum necare**: Cicero has in mind in the whole passage the murder of Caesar. Comp. § 19 and II. § 23.

133, 30. sanguine et tamquam spiritu carere: *sanguine* and *spiritu* denote "life;" the use of *spiritus* in connection with *membra* is so forced that it is qualified by *tamquam.* The common belief, however, at the time was that the breath passed from the lungs into the heart, and thence into the arteries. De Nat. Deor. II. 55, 138 *Eoque modo ex his partibus et sanguis per venas in omne corpus diffunditur et spiritus per arterias;* see also Schoemann's note.— **134, 1. humanitatis corpore**: It is most natural for an English reader at least to take this expression as equivalent to "the body of humanity," *humanitas = genus humanum;* and yet it is very doubtful whether Cicero ever used the word in this sense, a very common one in late Latin. Most

of the commentators understand it as designating "the sum of the qualities which characterize man;" the sense of the passage being that the *feritas* and *inmanitas* are to be cut off from the whole body, the sum total, of the qualities composing *humanitas;* and this seems to be preferable. The former interpretation is, however, given in Harper's Latin Dictionary, *sub voce.*

134, 3. ex tempore officium = τὸ κατὰ περίστασιν καθῆκον.

CHAPTER VII.

33 **134, 6. peremisset,** "had put an end to;" so *peremptorium,* what puts an end to anything, decisive, final.

134, 11. ut geometrae solent, i. e. *mathematici.* Tusc. Disp. V. c. 7 *Mathematicorum iste mos est, non philosophorum. Nam geometrae cum aliquid docere volunt, si quid ad rem pertinet eorum, quae ante docuerunt, id sumunt pro concesso et probato; illud modo explicant, de quo nihil ante scriptum est.*—**134, 13. quae volunt,** scil. *explicare.*—**134, 15. nihil . . . expetendum**: "Nothing is to be desired but the good" is the Stoic formula; all other things are indifferent. Cicero goes on to say that if this does not meet the approval of Cratippus, he will be contented with the Peripatetic formula that "the good is to be desired above all other things;" and so much so, as he says in § 11, that all other things, weighed in a balance against it, are of hardly any account. See below § 35 *Itemque* etc.

134, 19. probabilius videtur etc.: As an Academic he is at liberty to choose what commends itself best to his judgment; in *nec . . . probabile* he rejects all other views, such as that of Epicurus. See note on p. 130, 1; and Introd. § 8.

34 **134, 20. Ac primum in hoc**: Compare § 18.—**134, 22. neque enim ei fas erat,** i. e. because he was a Stoic. Comp. § 12.

134, 28. ea . . . incidissent: *eam . . . incidisset* is a reading proposed by Unger, adopted by Baiter II. and Heine. But it renders the sentence very awkward, and there seems to be no necessity for change. For *diiudicaremus,* see § 19 *diiudicare possimus, si quando cum illo, quod honestum intellegimus, pugnare id videbitur, quod appellamus utile.* For *incidissent,* I. § 31 *incidunt saepe tempora;* III. § 40 *Incidunt saepe multae causae.*—**134, 29. quae videretur esse, non quae esset,** "seeming, but not real."

134, 32. Marte nostro, "independently," without aid from others; a figure borrowed from the art of war. Verg. Aen. VI. 165 *Martem accendere cantu;* Cic. Marc. VI. 15 *Martis vis percu-*

lit, non ira victoriae; and in the sense of our passage, Phil. II. 87 *rex ipse suo Marte res suas recuperavit.*

185, 1. quod quidem mihi probaretur: In § 8 he speaks of what Posidonius had written on this point, but is surprised that it was only *breviter tactum.*—**185, 2. de iis** = *ex iis:* Nepos, Them. c. 9 *Thucydidi credo, qui aetate proximus de iis, qui illorum temporum historiam reliquerunt.*

CHAPTER VIII.

35 **185, 7. tum non utilitas** etc., "then (we are) not (to say that) expediency is to be disregarded, but we must understand that there can be no expediency where there is dishonor." The point to be noticed in *non utilitas relinquenda est* is the position of *non;* compare *Non igitur* etc. p. 133, 11.

185, 15. ut Zenoni visum est etc.: See note on p. 134, 15 *nihil . . . expetendum.* — **omni pondere gravior**: See note on p. 126, 20.

36 **185, 19. error hominum non proborum,** i. e. wicked men in their error.

185, 22. sicae, venena, "the crimes of assassination, poisoning."—**185, 24. opum, potentiae, regnandi** are genitives depending on *cupiditates* (l. 26).

185, 28. fallacibus iudiciis, "under false estimates" of their true relations; so § 49 *magna expectatione.*—**185, 29. quae acerbissima est**: De Fin. I. 16, 51 *Quodsi qui satis sibi contra hominum conscientiam saepti esse et muniti videntur, deorum tamen horrent easque ipsas sollicitudines, quibus eorum animi "noctesque diesque" exeduntur, a dis immortalibus supplicii causa importari putant.*

37 **185, 31. deliberantium genus . . . qui deliberant,** i. e. this sort of deliberation whether we should follow etc. See Naegelsbach, Lat. Styl. § 29, 2. The relative clause would be unnecessary were it not for the parenthesis. For the tautology, compare § 20 *licentiam dat, ut . . . liceat.* **pellatur e medio,** "away with," let it be put out of our thoughts. De Nat. Deor. I. 6, 13 *ponam in medio sententias philosophorum;* in Mur. 14, 30 he quotes from Ennius (Ann. VIII.) *Pellitur e medio sapientia, vi geritur res, Spernitur orator bonus, horridus miles amatur.*—**186, 3. ad id,** i. e. *facinus,* actual commission.

CHAPTER IX.

38 **136, 12. a Platone,** in the Republic, B. II., at the beginning. The story is also found in Herod. I. 8–12; Iustin. I. 7 ex. S. Ambros., III. c. 5, has taken it from Cicero. Gyges was the Lydian shepherd, who killed king Candaules and took possession of the throne.—**terra discessisset**: So De Div. I. § 97 *Cum caelum discessisse visum est.*—**136, 18. in concilium,** the assembly of the shepherds for the purpose of reporting to the king. Plat. ibid. *ξυλλόγου δὲ γενομένου τοῖς ποιμέσιν, ἵν' ἐξαγγέλλοιεν κατὰ μῆνα τῷ βασιλεῖ τὰ περὶ τὰ ποίμνια.*

136, 19. cum . . . converterat, "as often as he turned;" the pluperfect indicative to denote a repeated action. So Verr. V. 11, 27 *Sic (Verres) confecto itinere, cum ad aliquod oppidum venerat, eadem lectica usque in cubiculum deferebatur.*—**palam eius anuli**: *pala* is the bezel, or the part of the ring in which the stone is set. Plato says: *καθήμενον οὖν μετὰ τῶν ἄλλων τυχεῖν τὴν σφενδόνην τοῦ δακτυλίου περιαγαγόντα πρὸς ἑαυτὸν εἰς τὸ εἴσω τῆς χειρός.* —**136, 21. in locum,** "to its proper place."

136, 22. hac oportunitate anuli, "this advantage which the ring gave him." So De Am. 6, 22 *Talis igitur inter viros amicitia tantas oportunitates habet, quantas vix queo dicere.*

136, 26. In **si habeat, putet** the supposition is of a case contemplated as possible; that in *si non haberet* (l. 28), scil. *sibi putaret licere* of an impossibility. If the first actually occurs, the second is excluded.—**136, 28. bonis viris**: Cicero uses the dative of the agent after passive verbs only with such words as *quaeri, audiri,* where the dative denotes not only the agent, but the person for whom anything happens, and after perfect passive participles where the dative is a *dativus commodi* or has some similar meaning. De Senect. 11, 38 *Semper enim in his studiis laboribusque viventi non intellegitur quando obrepat senectus.*

39 **136, 29. philosophi quidam,** such as the Epicureans. Diog. Laert. X. 151 *ἡ ἀδικία οὐ καθ' ἑαυτὴν κακόν, ἀλλὰ ἐν τῷ κατὰ τὴν ὑποψίαν φόβῳ, εἰ μὴ λήσει ὑπὲρ τῶν τοιούτων ἐφεστηκότας κολαστάς. οὐκ ἔστι τὸν λάθρα τι ποιοῦντα, ὧν συνέθεντο πρὸς ἀλλήλους εἰς τὸ μὴ βλάπτειν μηδὲ βλάπτεσθαι, πιστεύειν ὅτι λήσει, κἂν μυριάκις ἐπὶ τοῦ παρόντος λανθάνῃ.* Compare Lucret. V. 1150 ff.—**136, 30. minime mali** etc., in an ironical sense. Tusc. Disp. II. § 44 *venit Epicurus, homo minime malus, sed potius vir optimus;* De Orat. III. § 64 *sunt enim (Epicurei) boni viri et, quoniam sibi*

ita videntur, beati. Cicero often speaks of the Epicureans as wanting in acumen and scientific knowledge: Tusc. Disp. I. 21, 48 *e quo intellegi potest quam acuti natura sint, quoniam haec sine doctrina credituri fuerunt;* In Pis. 29, 70 *non philosophia solum sed etiam ceteris studiis, quae fere Epicureos neglegere dicunt, perpolitus;* De Fin. II. 25, 80 *sed quamvis comis (Epicurus) in amicis tuendis fuerit, tamen . . . non satis acutus fuit.*— **186, 31. commenticiam,** "fabricated," opposed to moral truth, calculated to convey a false impression.— **186, 32. id** denotes the possession of the ring, or the possibility of any one's committing a wrong without the knowedge of some one, either gods or men.— **187, 1. defendat** denotes not always defending something that is attacked or criticised, but simply maintaining, asserting. De Orat. II. c. 38 *Carneades nullam umquam in illis suis disputationibus rem defendit, quam non probarit; nullam oppugnavit, quam non everterit;* and c. 50 *Sed meritam ac debitam fuisse defenderes.*

187, 5. Negant id fieri posse, "They say that this is impossible," i. e. that such a crime can ever escape the knowledge of Gods and men.

187, 6. Nequaquam potest id quidem: The MSS. all have *Quamquam* for *Nequaquam*, which is an emendation of Manutius. The change seems necessary for the train of thought; otherwise Cicero would admit the possibility of this ignorance of the gods in regard to human actions, which he always denies. De Nat. Deor. I. 2, 3; De Leg. I. 7, 21; De Fin. I. 16, 51. Moreover, he had denied it above, *quasi . . . defendat;* and what follows *sed quaero* seems to imply the same. Those who retain *Quamquam* supply *negari* with *potest;* or they fancy that Cicero speaks as an Academic, and really means to imply that the Gods are ignorant of the affairs of men.

187, 8. rustice, "obstinately," like ἀγροίκως for ἀμαθῶς, ἀμούσως.— **187, 9. verbum** refers to the *exemplum* just given. Plaut. Trucul. IV. 4, 32 *Verum est verbum, quod memoratur: ubi amici, ibidem opus.*

187, 11. tormenta, instruments of torture, "tests;" he qualifies the very strong word by *tamquam* and *quaedam.*— **187, 13. expediat,** "brings an advantage," independently of the right or wrong of the action. Cicero avoids using *utile*, because he always denies any difference between *utile* and *honestum.*

CHAPTER X.

40 **187, 17. multae saepe**: For the same tautology compare I. 22, 2 *Multi enim bella saepe quaesierunt;* Catil. III. 10 *Nam multi saepe honores diis immortalibus iusti habiti sunt ac debiti.*

187, 21. Collatino collegae: After the expulsion of the Tarquins L. Iunius Brutus and L. Tarquinius Collatinus were the first consuls; but as the latter belonged to the dethroned family he was obliged to lay down his office and follow them into exile. —**187, 23. regibus,** "the royal family." Verr. IV. 27, 61 *reges Syriae, regis Antiochi filios pueros.*—**187, 24. Bruti** depends on *socius consiliorum* taken together; comp. p. 28, 3.

41 **187, 31. animum pepulit**: Acad. II. 10, 30 *disputari poterat . . . quem ad modum primo visa nos pellerent, deinde adpetitio ab his pulsa sequeretur.*

188, 1. Omisit, "He set aside."—**188, 3. neque erat,** "but was not so." So § 7 *scripsit nec exsolvit;* Liv. III. 55, 1 *consulatus sine ulla patrum iniuria, nec sine offensione fuit.*—**muri causam,** "the pretext of the wall;" an appositive genitive. For the story see Liv. I. c. 7.

188, 5. pace vel Quirini vel Romuli, "with due respect to Quirinus or Romulus, whichever he would prefer to be called" (*vel . . . vel*).

42 **188, 6. omittendae sunt**: Comp. *Omisit,* l. 1.—**188, 8. quod . . . fiat,** "so far as may be" etc.

188, 9. Chrysippus, head of the Stoics after Zeno and Cleanthes, born at Soli, in Cilicia, B.C. 280, was distinguished for his learning and dialectic skill. It was chiefly he who elaborated the Stoic doctrines into a complete system, and he was considered by the ancients as a second founder of the school. He died in 208.—**stadium currit**: The passage sounds like a direct translation from the Greek, and hence the construction *stadium currere,* a sort of cognate accusative. So De Fin. II. 34, 112 *si Xerxes, cum . . . Hellesponto iuncto, Athone perfosso maria ambulavisset, terram navigasset.*—**188, 11. supplantare** = *pedem supponere,* ὑποσκελίζειν; Nonius, I. 157.

43 **188, 15. officia in amicitiis**: This matter is treated at length in De Am. c. 10 ff.—**quibus,** i. e. *amicis,* supplied from *amicitiis.*

188, 23. ponit, "he lays aside."

188, 26. orandae litis, "of pleading the case."—**per leges**: The *lex Pompeia,* B.C. 51, directed that the accuser should have

two hours, and the accused three, for their arguments; it was, however, competent for the judge to lengthen the time, or to adjourn the case to another day (*ampliatio*, *dilatio*).

44 **138, 27. iurato**: Cod. Iustin. III. T. I. L. 14 *Cui non est cognitum, antiquos iudices non aliter calculum iudicialem accepisse, nisi prius sacramentum praestitissent omni modo se cum veritate et legum observatione iudicium deposituros.*— **138, 28. deum . . . id est . . . mentem suam,** his own conscience. De Rep. VI. § 26 *mens cuiusque is est quisque, non ea figura, quae digito demonstrari potest. Deum te igitur scito esse;* Plat. De Leg. X. p. 897 B *ψυχὴ νοῦν μὲν προσλαβοῦσα ἀεὶ θεῖον ὀρθῶς θεὸς οὖσα ὀρθὰ καὶ εὐδαίμονα παιδαγωγεῖ πάντα.* According to the Stoics the human soul is a part of, or an emanation from, the soul of the universe. Epictet. Diss. I. 14, 6 *αἱ ψυχαὶ συναφεῖς τῷ θεῷ ἅτε αὐτοῦ μόρια οὖσαι καὶ ἀποσπάσματα.* The passage in the text recalls the saying of Heraclitus *ἦθος ἑκάστῳ δαίμων.*

138, 31. rogandi iudicis: After the praetor had assigned a judge for the trial of a particular case, the parties formally prayed him to judge their cause favorably, *quae salva fide facere possit*, so far as he could do so without violation of his duty.— **si eum teneremus** = *si modo eum teneremus*, "if we only observed it;" a way of expressing a wish. Pro Flacc. 7, 15 *o morem praeclarum disciplinamque, quam a maioribus accepimus, si quidem teneremus.*

45 **139, 4. communibus amicitiis,** friendships such as are met with in common life, *qui ante oculos sunt.* **nam in sapientibus viris** etc, "for in the case of *sapientes* (in the Stoic sense) such a thing cannot exist at all," namely, that a friend should ask what is not right; one may accede to all their demands. Comp. De Am. 11, 38 *Quodsi rectum statuerimus vel concedere amicis, quidquid velint, vel inpetrare ab iis, quidquid velimus, perfecta quidem sapientia si simus, nihil habeat res vitii.*

139, 5. Damonem et Phintiam: The names of these friends are differently given by different authors as Euphantos and Eukritos, or Moiros and Selinuntios. The tyrant is sometimes Dionysius the elder, sometimes the younger, sometimes Phalaris mentioned in II. § 26. The same story is told in Tusc. Disp. V. 22, 63.— **139, 9. commendandorum suorum causa,** i. e. to the care of friends, as those do who are at the point of death.— **vas eius sistendi,** "surety for producing him," surety for his appearance.

139, 11. ad diem, "on the day" appointed.

46 **139, 15. iaceat,** "be left out of consideration." De Fin. II. 35, 117 *maximas virtutes iacere omnes necesse est voluptate dominante;* **valeat,** "be applicable," be the standard. Liv. VII. 6, 11 *num etiam in deos inmortales inauspicatam legem valuisse?*

CHAPTER XI.

139, 20. in Corinthi disturbatione nostri, scil. *fecerunt;* so in I. 11, 35, *nollem Corinthum* etc., he disapproves of that act.—**139, 21. Aeginetis**: Aelian. Var. Hist. II. 9 οἷα ἐψηφίσαντο Ἀθηναῖοι . . . Αἰγινητῶν μὲν ἑκάστου τὸν μέγαν ἀποκόψαι τῆς χειρὸς δάκτυλον τῆς δεξιᾶς, ἵνα δόρυ μὲν βαστάζειν μὴ δύνωνται, κώπην δὲ ἐλαύνειν δύνωνται; Valer. Max. 9, 2. But neither Thucydides nor Diodorus mentions the circumstance.

139, 23. imminebat . . . Piraeo: Plutarch (Pericles, c. 8) mentions among the ψηφίσματα left behind by Pericles τὸ τὴν Αἴγιναν ὡς λήμην τοῦ Πειραιῶς ἀφελεῖν κελεῦσαι. For *imminebat*, compare Pro Balbo, c. 14 *Cum praepotens terra marique Karthago, nixa duabus Hispaniis, huic imperio imminebat.*

47 **139, 26. Male,** scil. *faciunt;* compare above *nostri* (l. 20), scil. *fecerunt.*—**139, 27. Pennus,** M. Iunius Pennus, tribune of the people in B.C. 126. Festus, p. 286, mentions his law *de peregrinis*, for excluding strangers from Rome. Brut. 28, 109 *M. Pennus facile agitavit in tribunatu C. Gracchum, paullum aetate antecedens . . . sed is omnia summa sperans aedilicius est mortuus.*—**139, 28. C. Papius,** when tribune of the people in B.C. 65, renewed the law of Pennus. Dio Cass. 37, 9 κἀν τούτῳ πάντες οἱ ἐν τῇ Ῥώμῃ διατρίβοντες, πλὴν τῶν τὴν νῦν Ἰταλίαν οἰκούντων, ἐξέπεσον Γαΐου τινὸς Παπίου δημάρχου γνώμῃ, ἐπειδὴ ἐπεπόλαζον καὶ οὐκ ἐδόκουν ἐπιτήδειοί σφισιν εἶναι συνοικεῖν.

139, 28. esse pro cive, "to have the status of a citizen;" an expression taken from the law.—**139, 29. quam legem** = *de qua re legem.*—**139, 30. Crassus et Scaevola**: Ascon. in Cic. Cornel. p. 67 Orell. *L. Licinius Crassus orator et Q. Mucius Scaevola P. M. legem de regendis in sua civitate sociis in suo consulatu tulerunt. Cum enim summa cupiditate civitatis Romanae Italici populi tenerentur et ob id magna pars eorum pro civibus Romanis se gereret, necessaria lex visa est, ut in suae quisque civitatis ius redigeretur. Verum ea lege ita alienati animi sunt principum Italicorum populorum, ut ea vel maxima causa belli Italici, quod post triennium exortum est, fuerit.*

139, 31. Illa praeclara, scil. *sunt.*

140, 2. res publica is the ensemble of what constitutes and pertains to the state, including of course its history, as here; hence the predicates *Plena est* and *habuit* are both admissible. **saepe,** scil. *alias.* In *Plena . . . saepe* there is the same sort of tautology as in *saepe multorum*, mentioned above, II. 6, 20, and elsewhere.

48 **140, 7. statuerent, ut**: The infinitive construction is more common. — **140, 10. Cyrsilum**: Dem. de Cor. p. 296 *τὸν δ' ὑπακούειν τοῖς ἐπιταττομένοις ἀποφηνάμενον* Κυρσίλον *καταλιθώσαντες οὐ μόνον αὐτὸν ἀλλὰ καὶ αἱ γυναῖκες αἱ ὑμέτεραι τὴν γυναῖκα αὐτοῦ.* Herodotus tells nothing of Kyrsilus, but says that Lykides was stoned to death because, when the Athenians had to leave home for the second time in the spring of B.C. 479, he advised the acceptance of the proposals of Mardonius.

140, 12. Atque etc.: "And yet he seemed to follow expediency," what he advised seemed to be *utilitas; sed ea nulla erat*, etc., "but that did not exist at all," it was quite out of the question, etc.

49 **140, 16. non opus esse,** "that it was not expedient;" so in Greek *ἔργον.* Ep. ad Fam. I. 9, 25 *legem curiatam consuli ferri opus esse, necesse non esse;* De Orat. II. 73 *Quod non solum, quod opus est, diceres, sed etiam, quod non opus esset, non diceres;* De Am. 14, 51 *atque haud sciam an ne opus sit quidem nihil umquam omnino deesse amicis.* — **140, 18. subducta,** "drawn ashore," opposed to *deducta*, drawn down into the water. — **140, 19. Gytheum,** the naval station of the Spartans. Polyb. V. 19 *ναύσταθμον τῶν Λακεδαιμονίων, ὃ καλεῖται μὲν Γύθειον, ἔχει δ' ἀσφαλῆ λιμένα, τῆς δὲ πόλεως ἀπέχει περὶ τριάκοντα στάδια.*

140, 21. magna exspectatione: The ablative of attendant circumstances, as in § 36 *fallacibus iudiciis.* — **140, 22. perutile esse consilium**: Plut. Them. 20 *τῆς πράξεως, ἣν διανοεῖται πράττειν ὁ Θεμιστοκλῆς, μηδεμίαν εἶναι μήτε λυσιτελεστέραν, μήτ' ἀδικωτέραν.*

140, 26. piratas: The pirates were put down by Pompey, but had again become very powerful during the civil war between Pompey and Caesar. — **140, 27. immunes,** "free from tribute." — **socios vectigales,** i. e. those allies who had belonged to the party of Pompey, like Massilia and king Deiotarus, on whom Caesar imposed a tribute for punishment.

CHAPTER XII.

140, 28. Maneat, "Let it remain," let us consider it as a point

settled etc. Rab. Post. 9, 25 *Quam ob rem illud maneat et fixum sit, quod neque moveri neque mutari potest.*

50 **140, 31, incidunt . . . saepe causae, cum,** "cases often occur, when" etc., i. e. of such a character that etc.; hence the subjunctive *videatur.* Compare above § 40 *Incidunt saepe causae* (cases), *quae conturbent . . . non cum* etc.

141, 8. Alexandrea was the grain depot for Egypt, whence the shipments were made to Italy and Greece; Rhodes was the market for Asia Minor.—**magnum frumenti numerum,** "a large quantity of grain;" so *numerus* is often used with *frumenti;* comp. also Phil. II. 27, 66 *maximus vini numerus fuit.*

141, 11. sed dubitet, an turpe non sit, "but is inclined to think it not wrong."

51 **141, 12. Diogeni Babylonio,** a native of Selucia, in Babylonia; Zeno of Tarsus and Diogenes were the most noted disciples of Chrysippus, and succeeded him as teachers of the school. In B.C. 156 the latter came with Carneades and Critolaus on an embassy from Athens to Rome; they were soon obliged, however, to leave at the instance of Cato, who dreaded the influence of the Greek philosophy.—**141, 14. Antipatro,** pupil and successor of Diogenes, and teacher of Panaetius. He was a most active opponent of the Academics, especially of Carneades; but was reproached with being afraid to meet him in an oral discussion. In Acad. II. 47, 143 Cicero speaks of *duo vel principes dialecticorum, Antipater et Archidemus, opiniosissimi homines.* We gather from the present passage that his ethical teaching was more rigid than that of Diogenes, who inclined rather to the strictly legal view of the matter.

141, 14–15. Antipatro, scil. *videri solet.*—**141, 17. iure civili,** the law of the land.—**141, 19. quam optume,** "to the best advantage;" so *male emere, care, vilissime vendere.*

141, 20. cum maior est copia, "when there is a greater supply in the market." The merchant says: My price is now no higher than others ask, and I sell perhaps for a lower price than they do in ordinary times when the market is well supplied. Some understand the phrase as applying to the seller: When I have a larger stock on hand, I sell at a lower price. But the point of the remark is that as in ordinary times he sells at a reasonable price, perhaps lower than others do, so it is to be presumed that in the present case he is not asking more than is right.

52 **141, 23. servire humanae societati:** Antipater bases his de-

cision upon the mutual obligation of all the members of human society; Diogenes thinks it enough to fulfil the law of the land. —141, 24. **principia naturae,** "the elementary principles of human nature;" compare I. c. 4. De Fin. V. 15, 43 *prima elementa naturae, quibus auctis virtutis quasi germen efficitur. Nam cum ita nati factique simus, ut et agendi aliquid et diligendi aliquos et liberalitatis et referendae gratiae principia in nobis contineremus atque ad scientiam, prudentiam, fortitudinem aptos animos haberemus* etc. For the expression, comp. *principia iuris,* De Leg. I. 6, 18.—**141, 25. ut utilitas** etc.: This was a favorite doctrine of the Stoics. Sen. Ep. 95, 52 *membra sumus corporis magni. Natura nos cognatos edidit;* M. Anton. V. 22 ὃ τῇ πόλει οὐκ ἔστι βλαβερόν, οὐδὲ τὸν πολίτην βλάπτει.

53 **142, 4. nihil suum cuiusque**: *suum cuiusque* is a stereotyped phrase for one's own property. I. § 21 *ex quo quia suum cuiusque fit;* De Fin. III. 20, 67 *sic in urbe mundove communi non adversatur ius, quo minus suum quidque cuiusque sit.*

CHAPTER XIII.

142, 9. ita expedire depends on *dici*, the construction being changed from the *oratio directa* to the *obliqua*. *ita* means "in such a way;" the idea being that it is expedient, without being wrong.—**142, 10. ea re,** "by the very fact," namely, *quia turpe sit.*

54 **142, 11. Vendat aedes** etc.: The same example is given in De Rep. III. 19, 29.—**142, 13. apparere serpentes**: This disadvantage was all the greater because the Romans were very superstitious in regard to serpents. See the case of Ti. Gracchus, De Div. I. 18, 36; the remarks on it II. 29, 62; and further on 31, 66. —**142, 17. aut,** "or at least;" so II. 20, 69 *a se postulari aut exspectari aliquid suspicantur.*

55 **142, 18. quid est aliud,** lit. "what else is not showing the way but this?" We reverse the question and say "what is this but not to show the way" etc. Compare II. 23, 83. So Verr. Act. I. 10, 28 *quid est, quaeso, Metelle, iudicium corrumpere, si hoc non est?*—**142, 19. quod Athenis . . . sanctum est**: The law was traced back to Buzyges; ὁ γὰρ Βουζύγης Ἀθήνησιν ὁ τὸν ἱερὸν ἄροτον ἐπιτελῶν ἄλλα τε πολλὰ ἀρᾶται καὶ τοῖς μὴ κοινωνοῦσι κατὰ τὸν βίον ὕδατος ἢ πυρὸς ἢ μὴ ὑποφαίνουσιν ὁδὸν πλανωμένοις. Paroem. Gr. Append. I. 61. So Diphilus in the Parasite (ap. Athen. VI. p. 238), ἀγνοεῖς ἐν ταῖς ἀραῖς Ὅ τι ἐστίν, εἴ τις μὴ φρά-

σει' ὀρθῶς ἰδών· Ἢ πῦρ ἐναύσει' ἢ διαφθείρει' ὕδωρ ἢ δειπνεῖν μέλλοντα καλέσαι τινά. For the *execratio*, comp. Herod. VII. 231 Ἀπονοστήσας δὲ ἐς Λακεδαίμονα ὁ Ἀριστόδημος ὄνειδός τε εἶχε καὶ ἀτιμίην. πάσχων δὲ τοιάδε ἠτίμωτο· οὔτε οἱ πῦρ οὐδεὶς ἔναυε Σπαρτιητέων οὔτε διελέγετο, ὄνειδός τε εἶχε ὁ τρέσας Ἀριστόδημος καλεόμενος.

142, 23. scientem, the adjective where we use the adverb, "knowingly."

(55) **142, 25. proscripsit,** "posted" for sale.

142, 29. indicium emptoris: It was a principle of the Roman law that where it was in the power of the buyer to inform himself of the defects of an article the seller was not bound to disclose them; the maxim was *caveat emptor.* Florentinus in Dig. XVIII. t. 1 de contrah. empt. l. 43 pr. *Ea, quae commendandi causa in venditionibus dicuntur, si palam appareant, venditorem non obligant; veluti si dicat "servum speciosum, domum bene aedificatam."*

142, 30. Sin autem does not introduce here a contrast to the preceding supposition, but another supposition founded on it. The usage is not very common. Compare De Div. II. 7, 18 *si enim scit, certe illud eveniet, sin certe eveniet, nulla fortuna est.*— **142. 31. praestandum,** "to be made good."

56 **143, 9. Quae . . . explicaremus**: "But these cases (just mentioned) must be decided; for I proposed them, not simply to raise the question, but to reach a solution." Acad. II. 8, 26 *quaestio est appetitio cognitionis, quaestionisque finis inventio;* for *exponere,* compare Brut. XLIV. 164 *plura etiam dicta quam scripta, quod ex quibusdam capitibus expositis nec explicatis intellegi potest.*

57 **143, 12. Neque enim** etc.: *enim* introduces the justification of the expression *celare* in the preceding sentence, and the sense is: "For, although it is not always concealing, when you keep silence, yet it is so when (as in this case) you wish" etc.

143, 19. nonne inutile est, "is it not useless," i. e. even to put it upon no higher ground.

CHAPTER XIV.

58 **143, 22. orationis vanitatem,** "falsehood." Compare I. 42, 150 *nihil enim proficiunt, nisi admodum mentiantur; nec vero est quicquam turpius vanitate;* Livy, XXXIV. 12 *saepe vana pro veris maxime in bello valuisse.*

143, 23. nec infacetus: Cicero gives an example of his wit in

De Orat. II. 69, 280 *cum Scaurus accusaret Rutilium ambitus, cum ipse consul esset factus, ille repulsam tulisset, et in eius tabulis ostenderet litteras A. F. P. R. idque diceret esse, "actum fide P. Rutilii;" Rutilius autem, "ante factum, post relatum;" C. Canius, eques Romanus, cum Rufo adesset, exclamat neutrum illis litteris declarari. "Quid ergo?" inquit Scaurus; "Aemilius fecit, plectitur Rutilius."* — **143, 25. hortulos** means the whole estate. The word is so used in the XII tables; and it is called *villa* below in § 59. — **143, 27. interpellatoribus,** "troublesome visitors;" *sine interp.*, "without interruption."

143, 28. qui argentariam (scil. *rem*) **faceret,** "who was in the banking business." It is not easy to see why the subjunctive is used. Perhaps it is intended to describe Pythius; "being a man in the banking business," and so quite capable of doing that sort of thing; perhaps it is suggested by the indefinite *quidam* and used without any *arrière pensée.* — **143, 29. venales quidem**: The force of *quidem* is given by emphasizing *venales;* not *for sale*, but quite at the service of Canius.

143, 32. promisisset, i. e. *ad cenam se venturum esse*, "had accepted the invitation." — **qui esset . . . gratiosus** describes Pythius as a very popular man from his calling (*ut argentarius*), which brought him into contact with all classes.

144, 4. tempori, "at the proper time." — **144, 5. pro se quisque** is better taken with *adferebat;* each one came for himself (they all came), and brought what he had taken. Heine takes the words with *ceperat;* "what each one had been able to take (*pro suis viribus, pro sua parte*) he brought." S. Ambros. III. c. 11 *unusquisque, quod ceperat, certatim offerebat epulantibus.*

59 **144, 10. hic aquatio,** "here is the water supply" for the city; *isti* then refers to the inhabitants. S. Ambros. ibid. *Responsum quaerenti aquationem illic esse, dulcis aquae gratia innumerabiles eo pisces convenire.*

144, 12. gravate, scil. *agit*, "he makes objections."

144, 14. instructos, "furnished." — **144, 15. nomina facit,** Pythius "makes the entry in his books, and completes the transaction." Gai. Inst. III. 128 and 129 *Litteris obligatio fit veluti nominibus transcripticiis. A re in personam transcriptio fit, veluti si id, quod tu ex emptionis causa aut conductionis aut societatis mihi debeas, inde expensum tibi tulero.* The commentators are divided as to the subject to be understood with *facit*, whether Pythius or Canius; Heine says the latter.

144, 16. scalmum nullum, "not even the thole-pin of a boat," no sign of a boat.—**144, 17. num feriae quaedam . . . essent,** "whether it was perhaps a holiday."—**144, 18. nullos,** as frequently, a strong negative.

60 **144, 21. C. Aquilius** *Gallus* was praetor B.C. 66, and thus Cicero's colleague. According to the practice at that time the *formula* was a statement of the case drawn up by the *praetor* and handed to the *iudex* for his guidance in the trial of the case. The *formulae de dolo malo* were used in actions for damages on the ground of fraud.—**144, 23. in quibus ipsis** etc., "and when he was asked what was (i. e. what was the meaning of) *dolus malus* in these *formulae*, he used to answer" etc.

CHAPTER XV.

61 **145, 2. tutela** was the guardianship of minors, insane persons, etc.; fraud in these matters was punished by the XII tables. The guilty party was bound to restore double the amount embezzled.—**145, 8. lege Plaetoria**: This law, passed before B.C. 192, first established a difference between minors under twenty-five years of age and older persons. Defrauding the former was punished with severe fines and loss of civil rights; and to insure greater protection a contract with a minor was only valid when made in the presence of a *curator* appointed by the praetor. An action could be brought, not only by the injured party, but by any third person.—**sine lege iudiciis, in quibus additur**: These were the *actiones bonae fidei*, as distinguished from those *stricti iuris*. In the latter the *iudex* was confined to the *formula* issued by the praetor; he could only render his decision in those precise terms. If the claim made was excessive in amount, or if there was an error in the *formula*, the plaintiff lost his case. In the other class of actions (*bonae fidei*), the *arbiter* was not bound precisely to the *formula;* he could take into consideration all the circumstances and decide according to the equity (*aequitas*) of the case. In § 70 the cases of this sort are enumerated. An allegation of fraud against the plaintiff, which in the actions *stricti iuris* must, in order to be taken into consideration, be specially made by an *exceptio doli*, was in the *actiones bonae fidei* within the competence of the court from the very form of the action. Cic. pro Rosc. § 10 *iudicium est pecuniae certae, arbitrium incertae; ad iudicium hoc modo venimus, ut totam litem aut obtineamus aut ammittamus; ad arbitrium hoc animo adimus, ut*

neque nihil neque tantum, quantum postulavimus, consequamur. Iust. Inst. IV. 6, 28.

145, 5. arbitrio rei uxoriae: These were cases of dissolution of the marriage bond, where the question of restitution of the dowry came up. They were *actiones bonae fidei*, and the *arbiter* decided *quantum melius aequius* (*melius et aequius*), i. e. upon the equitable amount to be restored.—**145, 6. fiducia** was a deposit made, a pledge or security given, or a conveyance of property with a condition attached; Flac. XXI. 51 *fiduciam committere alicui;* Top. 10, 42 *si qui fiduciam acceperit.* The person who failed to restore the deposit was liable to an *actio fiduciae* or *fiduciaria;* and the decision was made on equitable grounds, *ut inter bonos bene agier* (= *agi*) *oportet.*

145, 13. non, qui contra se liceatur, emptor apponet: The seller might set up (*apponere*) a mock bidder in his own interest; but why the buyer should do so is not so clear. The commentators suggest that it might be to frighten away other bidders or to make very low bids and so depreciate the article, etc.—**145, 14. ad eloquendum,** "to declaring" the definite price he is willing to give or take.

62 **145, 16. ut fundus . . . semel indicaretur,** i. e. that the lowest price for the property should be once for all named.

145, 21. Ennius: The quotation is from the Medea; Cicero gives it in Ep. ad Fam. VII. 6 *Quí ípse sibi sapiéns prodesse nón quit, nequidquám sapit;* the corresponding line from the Medea of Euripides is: μισῶ σοφιστήν, ὅστις οὐχ αὑτῷ σοφός. Plato, Hipp. Mai. p. 283 B πολλοῖς συνδοκεῖ, ὅτι τὸν σοφὸν αὐτὸν αὑτῷ μάλιστα δεῖ σοφὸν εἶναι.

63 **145, 24. Hecatonem**: See § 89.—**145, 25. de officio**: In § 89 the title is translated "*de officiis.*"—**145, 26. scripsit Q. Tuberoni,** "wrote and dedicated to Q. Tubero." Tubero was praetor in B.C. 123, having previously lost an election in consequence of excessive frugality in the funeral ceremonies of his uncle, the younger Africanus; see Pro Mur. 36, 75. He was a friend of Panaetius, and known as a zealous Stoic; Brut. XXXI. 117 *vita severus et congruens cum ea disciplina, quam colebat; paulo etiam durior.*—**145, 27. habere rationem rei familiaris**: Cicero's own doctrine on this point may be gathered from II. 18, 64: that in all the relations of life one should be *aequum, facilem, multa multis de suo iure cedentem* etc.; but still *habenda ratio est rei familiaris,* one's own patrimony should not be suffered to decrease.

145, 28. At Neque enim the construction is changed to the *directa*.

146, 1. omnino tantum, "only so much" and nothing more; he will refrain from consulting his own advantage only in things where it is not allowable to do so.

64 **146, 3. sive . . . sive** introduce each a protasis with its own apodosis; if we take the ground that deceit and concealment are *dolus malus*, then there are few things in which we do not meet it; if we assume that the good man is one who helps those he can help, and harms nobody, then we do not easily find such a one.

CHAPTER XVI.

65 **146, 10. praediorum**: *praedia* denotes real property, and a distinction is made between *praedium urbanum*, the building, and *praedium rusticum*, the land not covered by any building. Dig. L. 16, 198 *urbana praedia omnia aedificia accipimus . . . quia urbanum praedium non locus facit, sed materia.*

146, 12. ex duodecim tabulis: According to Festus, p. 173, ed. Müller, s. v. *nuncupata*, the law ran; *cum nexum faciet mancipiumque, uti lingua nuncupassit, ita ius esto.* The sense of the passage is: Whereas according to the XII tables it was sufficient for those guarantees to be made good which had been expressly mentioned in the bargain, and he who had made a false statement about these was condemned to pay double the amount, a penalty has now been established by the jurisconsults for not mentioning defects.

66 **146, 18. in arce,** i. e. *Capitolina.* If the augurs made their observations from the Capitoline Hill, a very high house on the Caelian might obstruct the view; in this case they ordered the owner *demoliri ea* (referring to *aedes*) to take down those *portions* of the house which obstructed the view.—**146, 21. insulam,** originally a house standing alone; then one divided into apartments, and occupied by the poorer people.

146, 26. arbitrum illum adegit, the common expression for *illum adduxit ad arbitrum.*—**QUIDQUID SIBI . . . EX FIDE BONA** is the phrase of the formula which the praetor delivered to the arbiter who was to judge the case and settle the exact amount of the damages. The full form of the *actio empti* would be in this case: *M. Cato arbiter esto. Quod. P. Calpurnius Lanarius de T. Claudio Centumalo aedes in Caelio monte sitas emit, quidquid ob eam rem T. Claudium P. Calpurnio dare*

facere oportet ex fide bona, eius T. Claudium P. Calpurniò condemna.

146, 27. M. Cato: Gell. XIII. 20, 14 *is M. Cato tribunus plebis fuit et praeturam petens mortem obiit* (B.C. 91) *ex eoque natus est M. Cato praetorius, qui se bello civili Uticae interemit.*

67 **147, 6. M. Marius Gratidianus** is called *propinquus noster*, having been the son or grandson of M. Gratidius, whose sister was Cicero's grandmother. The brother of C. Marius adopted him. He was afterwards murdered by Catiline in the proscription of Sulla; he had twice been praefor.—**147, 7. C. Sergius** *Silus* was surnamed *Orata*, according to Festus, p. 182, because of two large gold rings which he wore; according to Macrobius, Sat. III. 15, because of his fancy for goldfish. He was praetor in B.C. 97.

147, 8. serviebant, "were subject to a servitude." A servitude corresponded to our easement; it was the right of another person than the owner to a limited enjoyment of the property. In the case of a house it might be the right of the owner of the adjoining property to rest a wall or a post on some portion of the house; a right to allow the rain-water to fall upon it (*stillicidium*).—**147, 9. mancipio,** contract of sale.

147, 10. *L. Licinius* **Crassus**: See I. § 108.—**147, 11. Antonius**: See II. § 49.

147, 15. qui . . . quo iure esset, teneret, "because he knew (literally) of what legal condition the property was that he had bought;" he was already aware of the defects in the title.

68 **147, 16. Quorsus haec,** scil. *spectant;* a formula for returning after a digression to the matter in hand.

CHAPTER XVII.

147, 20. quatenus . . . possunt, "as far as they can lay hold on them (literally) with the hand." So on p. 149, 12 *verbis et disputatione philosophorum* is opposed to *vinclis et carcere.*

147, 23. Suntne igitur, "Is it not then" etc. *ne* introduces here a question expecting an affirmative answer, equivalent to *nonne, an non.*—*excitare* is to start the game, *agitare,* to pursue it.

147, 25. Sic . . . proscribas, "In like manner would you advertise a house for sale, etc.?"—**147, 26. plagam**: The plural is generally used in this sense, but he is applying it here to *tabulam,* already in the singular.

69 **147, 29. more** is custom, **lege** statute law; **iure civili** here is the whole body of law of the state.

147, 30. Societas etc.: The different *gradus societatis* are given more fully in I. § 53.

148, 3. aliud ius gentium, aliud ius civile: See note on 130, 24. The *ius civile* includes the *ius gentium.*—**148, 4. non idem continuo,** lit. "the same is not immediately," it does not as a matter of course follow that it is etc. Pro Rosc. Am. § 94 *Non continuo, si me in gregem sicariorum contuli, sum sicarius.*

148, 6. solidam et expressam effigiem: The expression describes a statue, solid and clearly cut, as distinguished from a painting, which is only *umbra et imago.* He goes on to say: "Would that we followed even these, for they (the *umbrae et imagines*) come from (*feruntur*, as we say, the shadows are thrown by) the most excellent models of nature and truth." Compare Tusc. Disp. III. 2, 3 *consectaturque nullam eminentem effigiem virtutis, sed adumbratam imaginem gloriae. Est enim gloria solida quaedam res et expressa, non adumbrata.*

70 **148, 9. UTI NE** etc. is a phrase from the *pactum fiduciae;* **FIDEM TUAM,** "trust in you;" **UT INTER BONOS** etc. is a part of the formula in a prosecution for a breach of trust; see § 61 and notes.

148, 13. Q. Scaevola: See I. § 116.—**148, 14. summam vim esse,** lit. "that there was the highest import."—**148, 16. manare latissime** = *latissime patere.*—**148, 17. societatibus,** "copartnerships," "associations for purposes of trading."—**mandatis,** "commissions," business undertaken by one person for another, the obligation being, however, mutual.—**148, 19. magni esse iudicis,** "it required an able judge," especially as there were in many cases *iudicia contraria,* "judgments to be given upon conflicting claims." In actions before an *arbiter* the parties were allowed to set up counterclaims, and the judge decided equitably upon them all; in cases *stricti iuris* the court would not go behind the writ, or formula. See note on p. 145, 3.

71 **148, 26. ponit ante**: The tmesis is infrequent in prose. Nep. Alcib. 8 *praeter arma et navis nihil erat super;* Cic. Brut. V. 21 *faciam vobis satis;* Ep. ad Att. V. 18, 4 *faciam tamen satis.* The preposition thus gains greater emphasis.

148, 31. edicto aedilium: Gell. IV. 2 *in edicto aedilium curulium, qua parte de mancipiis vendundis cautum est, scriptum sic fuit: "Titulus scriptorum singulorum scriptus sit, curato ita,*

ut intellegi recte possit, quid morbi vitiive cuique sit, quis fugitivus errove sit noxave solutus non sit." *de furtis* in the text means, therefore, "in regard to any thefts the slave might have committed and for which he might still be liable to punishment." The last part of the passage just quoted from Gellius is explained by the following: Gai. IV. 75 *ex maleficiis filiorum familias servorumve, velut si furtum fecerint aut iniuriam commiserint, noxales actiones proditae sunt, ut liceret patri dominove aut litis aestimationem sufferre aut noxae dedere.*

148, 31. Heredum: Their case was different, as they were not held to a knowledge of the defects of the slave.

72 **149, 3. intellegentiae** is used here like *sapientis* on p. 145, 19; he means to censure wrong action under the color of prudence; compare below, p. 158, 30 *simulatione prudentiae.*—**149, 4. ista innumerabilia,** "those countless cases."

CHAPTER XVIII.

73 **149, 8. Periclitemur,** "Let us make the experiment."

149, 10. testamentariis, first, "those who make wills;" here, "those who forge wills."—**149, 13. fatigandi,** lit. "disturbed," "hindered," "restrained." Nonius, p. 310, explains *fatigare* by *cohibere, coërcere.*

149, 14. L. Minucii Basili, otherwise unknown, perhaps the same person who was legate of Sulla. Plut. Sulla, 9.

149, 16. optinerent, "might maintain," establish the validity of. **scripserunt heredes,** "inserted as heirs the names of" etc. It was a common manœuvre of will-forgers to join with their own the names of some person or persons of influence and position. Compare the connection of the Roscii with Chrysogonus in the attempt to get possession of the property of the elder Roscius.—**149, 18. cum** with *suspicarentur* has the meaning of "although;" with *essent conscii* that of "because."—**149, 20. munusculum** is ironical; "the trifling advantage."

149, 21. ut . . . videantur, "for them to be considered."

149, 22. alterum, i. e. *Hortensium.* Cicero dedicated one of his books to him; and he speaks in very high terms of him in

74 the introduction to the "Brutus."—**149, 23. alterum,** i. e. *Crassum.* The reason of Cicero's feeling against Crassus was that he suspected him of complicity in the conspiracy of Catiline (Plut. Crass. 13, Sall. Cat. 48). Besides that, Crassus was on friendly terms with Clodius, whose condemnation he had hindered; and

he neither did anything to prevent Cicero's banishment nor to bring about his recall. Before Crassus went to Asia, however, there was something like a reconciliation. Ep. ad Fam. I. 9, 20 *cum Pompeius ita contendisset, ut nihil umquam magis, ut cum Crasso redirem in gratiam . . . habui non temporum solum rationem meorum, sed etiam naturae, Crassusque, ut quasi testata populo Romano esset nostra gratia, paene a meis laribus in provinciam est profectus.* — **149, 24. M. Satrium**: After the adoption he was called *M. Minucius Basilus Satrianus.* He was an associate of Antony, and is mentioned by Cicero in Phil. II. 41, 107 as the *patronus* of Italian townships; *vexavit* (Antonius) *Puteolanos, quod C. Cassium et Brutos patronos adoptassent. Magno quidem studio, iudicio, benevolentia, caritate, non, ut te et Basilum, vi et armis, et alios vestri similes, quos clientes nemo habere velit, non modo illorum cliens esse.* — **149, 26. o turpem notam temporum** refers evidently to what precedes. The disgrace consisted in the fact that towns and districts in Italy, which had the right of Roman citizenship, were obliged to choose a *patronus* to defend their interests at Rome just as if they had been subject countries. Some copyist, misunderstanding the passage, supposed that Cicero alluded to the name Basilus, comparing it to Gr. βασιλεύς, and so called it a *turpem notam temporum;* and the words in parenthesis, *nomen illorum*, probably in this way crept into the text.

149, 30. in primo libro, § 23.

75 **150, 9. fraudium**: This form is found in Pis. § 44; compare *laudium*, Phil. II. § 28.

CHAPTER XIX.

150, 11. digitis concrepuerit, "snapped his fingers;" a proverbial phrase to denote an expression of the slightest wish. It was a manner of indicating one's will to a slave. De Leg. Agr. II. 30, 82 *Primo quidem acres, ad vim prompti, ad seditionem parati, qui, simul ac decemviri concrepuerint, armati in cives et expediti ad caedem esse possint.* — **150, 12. inrepere,** "creep in," get his name inserted clandestinely. — **150, 13. omnino neminem,** "no one at all."

150, 14. dares, "suppose you were to give." — **Crasso**: In the sixth Paradox, § 43, the same reproach is made against Crassus: *si testamenta amicorum ne expectas quidem atque ipse supponis.* — **150, 16. in foro . . . saltaret,** i. e. he would do anything absurd

and indecorous. See below § 93. I. § 145 *sed ea, quae multum ab humanitate discrepant, ut si qui in foro cantet aut si qua est alia magna perversitas;* Pro Mur. 6, 13 *nemo fere saltat sobrius, nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto.*

150, 17. sentimus, "we feel to be." So I. § 124 *talem solemus et sentire bonum civem et dicere.*

150, 18. admiratur, "is astonished at."

76 **150, 20. animi sui complicatam notionem evolvere,** "to bring out clearly the undeveloped idea in his mind," to give a definite form to his own idea. *complicatam,* "folded together," "confused," "involved," is the opposite of *explicatam,* "unfolded," "laid out so that it can be plainly seen." So below, in § 81, *explica atque excute intellegentiam tuam;* Top. 7, 31 *notionem appello, quam Graeci tum ἔννοιαν tum πρόληψιν; ea est insita et praecepta cuiusque cognitio enodationis indigens.*—**150, 22. noceat nemini**: Compare I. 7, 20.

150, 24. veneno, "magic potion," then in general "incantation." Orat. 37, 129 *cum coepisset Curio pater respondere, subito assedit, cum sibi venenis ereptam memoriam diceret.*

77 **150, 28. C.** *Flavium* **Fimbriam,** consul in B.C. 104. He was killed in the riot of Cinna. He is here called *consularis* to distinguish him from Fimbria, the partisan of Marius. Brut. 34, 129 *habitus est sane, ut ita dicam, truculentus, asper, maledicus, genere toto paulo fervidior atque commotior, diligentia tamen et virtute animi atque vita bonus auctor in senatu. Idem tolerabilis patronus nec rudis in iure civili et cum virtute tum etiam ipso orationis genere liber.*—**150, 31. sponsionem fecisset**: It often happened that one person agreed to pay another a certain sum in case what he stated was not found to be true (*sponsionem facere*); for instance, *si homo, quo de agitur, ex iure Quiritium meus est, XXV nummos dare spondes? Spondeo.* An action often lay to compel the performance of this promise. These wagers were very common in ordinary life, even where there arose no legal responsibility. In the present instance Pinthia had promised to pay a certain sum, in case he was not pronounced to be a *vir bonus.* Fimbria declined to decide such a question, depending as it did on so many considerations which could not rightly be the subject of a judicial decision.

151, 3. aliquem, "any man, no matter whom."

151, 7. non modo facere: A *non* is omitted after *non modo,*

when the second phrase is negative, and both have the same predicate, which stands with the second one; here it is *audebit.* In § 105 the *non* is expressed.

151, 9. non turpe est: The question asked with *non* expresses surprise and doubt of the possibility of denial; whereas with *nonne* only an affirmative answer is expected. This particular force was probably conveyed, however, by the tone in which the question was asked. So Tusc. Disp. I. 7, 13 *pugnantia te loqui non vides?*

151, 13. quicum in tenebris mices: The allusion is to the game still played in Italy, called *la mora.* Two or more persons quickly raise each a hand with some of the fingers outstretched, at the same moment pronouncing a number; and he whose number comes nearest the sum of all the outstretched fingers wins. The game was employed by the Romans as one mode of drawing lots. Suet. Aug. 13 *alios patrem et filium pro vita rogantes sortiri et micare iussisse, ut alterutri concederetur.* Of course, if the game were played in the dark, each person must rely on the good faith of the others.

151, 15. nullo refellente, "without any one convicting you of wrong." *refellere* is here used absolutely, as in De Orat. II. 2, 9 *in quo liceat mihi fingere, si quid velim, nullius memoria iam refellente.*

78 **151, 16. Gygi illi**: See p. 136, 11.

CHAPTER XX.

79 **151, 25. septimum annum**: The usual interval between the praetorship and the consulship was three years, as in Cicero's own case; see II. § 59. *iacere* is the common expression applied to persons who waited longer than the usual time for an election to the next higher office. Ep. ad Quint. Fratr. III. 2, 3 *consules comitia habere cupiunt, rei nolunt, et maxime Memmius, quod Caesaris adventu se sperat futurum consulem; sed mirum in modum iacet.*—**151, 26. Q. Metellum,** surnamed *Numidicus* for his part in the war against Iugurtha. He was consul in B.C. 109; compare Sall. Iug. 64.—**151, 28. Romam missus esset**: According to Sallust, however, in the passage just referred to, he was discharged at his own request and sneered at by Metellus. So Plut. Mar. 8 *σὺ δὴ καταλιπὼν ἡμᾶς, ὦ γενναῖε, πλεῖν ἐπ' οἴκου διανοῇ καὶ παραγγέλλειν ὑπατείαν; οὐ γὰρ ἀγαπήσεις, ἂν τῷ ἐμῷ παιδὶ τούτῳ συνυπατεύσῃς; Ἦν δὲ ὁ παῖς τότε τοῦ Μετέλλου παντάπασι μειράκιον.*

80 **152, 4. Gratidianus**: So in § 67 he is called *propinquus noster*. He was praetor B.C. 86, when he published this edict; and again in B.C. 82.—**152, 6. res nummaria,** "the matter of the coinage." —**152, 7. iactabatur,** "was in uncertainty," because of the number of counterfeit and adulterated coins in circulation.

152, 9. edictum cum poena atque iudicio, "an edict establishing the penalty for counterfeiting and the particular court where the offenders should be prosecuted." The object of the commission was to test the coin and regulate the standard. Comp. Plin. Hist. Nat. XXXIII 9, 46 *miscent aera falsae monetae; aliae e pondere subtrahunt, cum sit iustum LXXXIV e libris signari. Igitur ars facta denarios probare tam iucunda plebei lege, ut Mario Gratidiano vicatim totas statuas dicaverit.*

152, 11. alius alio, scil. *se contulerunt.*—**152, 12. ab subselliis,** scil. *tribunorum*, where the matter had been discussed.—**recta,** scil. *via.*

152, 14. statuae: Sen. De Ira III. 18 *M. Mario, cui vicatim populus statuas posuerat, cui ture ac vino supplicabat, L. Sulla praefringi crura, erui oculos, amputari manus iussit.* Plin. Hist. Nat. XXXIV. 6, 27 *statuerunt et (statuas) Romae in omnibus vicis tribus Mario Gratidiano, ut diximus, easdemque subvertere Sullae introitu.*

81 **152, 26. Explica** etc.: Compare § 76; "Unfold and shake out," so as to be able to examine every corner.—**152, 27. [species] forma**: It is uncertain which of these two words should be erased, but both cannot be genuine. Both are frequently used by Cicero to translate the Platonic εἶδος or ἰδέα; Tusc. Disp. I. 24, 58 *idque solum esse (putat), quod semper tale sit, quale est: ἰδέαν appellat ille, nos speciem.* Top. 7, 30 *in divisione formae sunt, quas Graeci εἴδη vocant, nostri . . . species appellant, non pessime id quidem, sed inutiliter ad mutandos casus in dicendo. Nolim enim, ne si Latine possit quidem dici, specierum et speciebus dicere, . . . at formis et formarum velim.*

152, 28. Cadit, "Does it fall in with the character of," "Is it befitting?"

82 **152, 31. splendorem et nomen,** not a hendiadys; but *nomen* = *gloria.*

153, 1. utilitas ista, quae dicitur, "that utility, which is (so) called," that so-called utility.

153, 4. hominis figura is abl. of quality, the genitive taking the place of an adjective; lit. "of the figure of a man," in the

figure of a man.' Pro Mil. 24, 64 *quae quemvis etiam mediocrium delictorum conscientia perculissent;* Caes. Bell. Gall. VI. 28 *Hi . . . sunt specie et figura et colore tauri.*

CHAPTER XXI.

153, 8. is, qui . . . voluit: Pompeius, in his forty-seventh year, B.C. 59, married the daughter of Caesar, who was twenty-three years old, and had been promised to Caepio.

153, 10. alterius invidia: Caesar was the most obnoxious of the triumvirs to the aristocracy, and had the credit with them of all the measures hostile to the *optimates,* for example, the banishment of Cicero.

153, 11. Ipse socer, i. e. Caesar.—**153, 12. de Phoenissis,** "from the play of the Phoenissae." Eurip. Phoen. 524 *εἴπερ γὰρ ἀδικεῖν χρή, τυραννίδος πέρι Κάλλιστον ἀδικεῖν, τἄλλα δ' εὐσεβεῖν χρεών.* *de* is here used where *ex* is more common; Tusc. Disp. III. 22, 53 *hi poterant omnes eadem illa de Andromache deplorare;* De Rep. I. 18, 30 *ille de Iphigenia Achilles.*

153, 17. Capitalis, "deserving of death." As the epithet here applies only to Caesar, the words in brackets are in all probability spurious.

83 **153, 20. ecce tibi,** "behold for you," "here is a man who" etc.

153, 32. parens: The title was given to Caesar after the battle of Munda, B.C. 45. Cicero was very much annoyed at this, for he prided himself on having been the first and only one to receive it. After the death of Caesar Antony caused the words *parenti optime merito* to be placed under his statue in the forum (Ep. ad Fam. XII. 3), and the people erected in his honor a marble column thirty feet high, with the inscription *parenti patriae* (Suet. Div. Iul. 76).

154, 2. re unum sonare, "to sound the same in fact," i. e. "to be in substance the same." De Fin. II. 2, 6 *non intellegere interdum quid sonet haec vox voluptatis, id est, quae res huic voci subiciatur.*

84 **154, 2. ad volgi opinionem,** "in popular estimation," i. e. referring the question *to* popular judgment.

154, 10. Accius, namely, in the *Aegisthus,* if we may draw an inference from the words *a Tantalo et Pelope proditum* (l. 10).

154, 10. At cui regno, scil. *multi iniqui atque infideles fuerunt.*

154, 11. proditum, "handed down by inheritance."

154, 11. Nam quanto etc.: *Nam* here introduces the reason of something not expressed, but only implied in what precedes. "If this was the case in the kingdom where the title to power was unquestioned, how much more so in the kingdom which Caesar tried to found! *For*" etc.

85 **154, 16. Cuius autem vita** etc.: Compare Phil. I. 14, 35 *si enim exitus C. Caesaris efficere non potest ut malis carus esse quam metui, nihil cuiusquam proficiet nec valebit oratio. Quem qui beatum fuisse putant, miseri ipsi sunt. Beatus est nemo, qui ea lege vivit, ut non modo impune, sed etiam cum summa interfectoris gloria interfici possit.*

CHAPTER XXII.

86 **154, 23. Quamquam** often introduces something to strengthen or limit what precedes. "Although" there can be no dispute about this, because etc.—**154, 25. iudicatum est,** i. e. the senate and Fabricius showed by their actions that such was their opinion.

154, 25. rex Pyrrhus: The same story is told in I. § 40.—**154, 26. de imperio**: In I. § 38 he lays it down that wars carried on for conquest should be conducted on more humane principles than others.—**154, 27. perfuga**: In Gell. Noct. Att. III. 8, who cites from Claudius Quadrigarius the letter which the Roman consuls were said to have written to Pyrrhus, the man is called Nicias and a trusted friend of Pyrrhus; in Valerius Antias he is called Timochares from Ambracia; while Dio Cassius, Fr. 40, 44, ed. Dindorf, says he was *ἀνήρ τις τῶν περὶ τὴν θεραπείαν τοῦ βασιλέως.*

155, 1. opinionem, i. e. the popular estimate; cf. § 84 *ad vulgi opinionem.*—**155, 3. dedecus et flagitium,** scil. *fuisset.*

87 **155, 5. qui talis . . . fuit**: They were both called "*iustus.*" —**155, 7. numquam utilitatem . . . seiunxit**: Cicero nevertheless acknowledges in what follows (l. 15) that the senate did not always take the honorable course.

155, 12. L. Philippi: See I. § 108. Sulla had granted an exemption from tribute to certain Asiatic states in return for a sum of money; but this seems to have been withdrawn directly after his death. See Mommsen, Röm. Gesch. III.[5] p. 96.

88 **155, 23. publicanis**: These were the farmers of the revenue in the provinces, and belonged to the *equites.* When, in B.C. 61, the *equites* asked for a diminution of the price they had offered

for the Asiatic taxes, Cicero favored the claim in order to preserve the harmony between them and the senate; Ep. ad Att. I. 17, 9 *Asiani, qui de censoribus conduxerunt, questi sunt in senatu se cupiditate prolapsos nimium magno conduxisse; ut induceretur locatio, postulaverunt. Ego princeps in adiutoribus atque adeo secundus . . . Invidiosa res, turpis postulatio et confessio temeritatis. Summum erat periculum, ne, si nihil impetrassent, plane alienarentur a senatu.* Cato, however, succeeded in procuring the rejection of the claim; and the *equites* went over to Caesar's party, who, when consul in B.C. 59, remitted a third of the amount.— **multa sociis**: Cicero alludes doubtless to Cato's hostile attitude with regard to the Cyprians and king Auletes, B.C. 58. He also opposed the desires of the Transpadani.— **155, 25. cum colonis nostris soleremus,** i. e. by remitting a part of the amount in unfavorable years. The subjunctive is used because Cicero is giving the substance of what he said when the matter was under discussion.

155, 27. Curio, *C. Scribonius*, was a noted orator and attorney, mentioned in Brut. LVIII. 210. He was tribune in B.C. 90, consul in 76, and governed the province of Macedonia for three years. He died in B.C. 53. The desire of the Transpadani for the Roman citizenship, all the more justifiable because the Cispadani had already enjoyed it for a long time, was warmly seconded by the democratic party; but it was opposed by the aristocracy, who objected to diminishing the revenues of the state. They gained their object under Caesar in B.C. 49.

155, 29. Potius doceret, "He ought rather to have shown" etc. "In the imperfect and pluperfect, the subjunctive is used, in an advisory or imperative sense, of a thing which ought to have been done, as distinguished from that which, according to a previous statement, has actually been done." Madvig Gram. § 351, Obs. 4.

CHAPTER XXIII.

89 **155, 32. Hecatonis,** mentioned also in § 63.— **156, 2. familiam,** in this passage "the slaves" in a family.

156, 3. utilitate . . . derigit, "regulates according to expediency;" a more common construction is *ad* with the accusative. — **ut putat,** "as he understands it;" not according to real expediency, which is never to be separated from *honestas*.

156, 5. iactura, throwing overboard a part of the cargo of a ship in case of a storm.

156, 7. stultus is used in the Stoic sense; the uninitiated, the foolish man, as opposed to the *sapiens*, the perfect Stoic.— **156, 8. si potuerit,** "if he shall have been able;" the future perfect, because the power to do the action precedes its performance.

156, 9. iniurium: The word occurs mostly in the early writers.

156, 12. sumpta, i. e. *conducta*, "chartered."

90 **156, 14. sibine uterque**: The best MSS. have *sibi neuter*, which might be emended to *sibine uter*, if Cicero had been in the habit of using *uter* in the sense of *uterque;* but he does so only in one instance, Verr. III. 14, 35 *si uter volet, recuperatores dabo;* and he is there only quoting from a praetor's edict. It only remains then to emend as in the text.

156, 18. micando, that is, by drawing lots in the manner described in the note to p. 151, 13.

156, 19. cuniculos, "an underground passage," so called from the burrowing of rabbits under ground.

156, 24. tyrannidem occupare, "possess himself of the highest authority" in the state.

156, 27. accusabit, not "accuse publicly," as is evident from the connection, but "call to account," "reproach."

91 **156, 29. Quaerit,** scil. Hecato.

156, 31. Diogenes: So in § 51 the conflicting opinions of Diogenes and Antipater are cited.

157, 1. vinum fugiens, "wine just going to ferment." Sen. Ep. XII. 4 *gratissima sunt poma, cum fugiunt.*

157, 3. quasi controversa iura, "so to speak, disputed points of law." He says *quasi*, because the word *iura* denotes *legal*, not *philosophical* questions.

157, 3. In mancipio vendundo: This question is also discussed in § 71.— **157, 5. redhibeatur,** "would be returned," i. e. you would be obliged to take him back. Ulpian. Dig. XXI. 1, 11 *redhibere est, ut rursus habeat venditor quod habuerat.*— **157, 6. furacem,** "disposed to thieving;" *de furtis* on p. 148, 30 refers to theft actually committed on third parties for which an action would lie against the owner of the slave. It seems from Marcian. Dig. XXI. 1, 52 that if the theft was committed against the master the latter was not bound to mention it in case of sale of the slave; *si furtum domino fecerit, non est necesse hoc in venditione servi praedicere, nec ex hac causa redhibitio est.*

92 **157, 10. mille denarium** is a genitive of quality, describing

the great value of the thing; the exact price would be expressed by the ablative.

CHAPTER XXIV.

157, 13. Pacta et promissa etc.: The indirect question depends on some word like those used to introduce the questions in the chapter preceding, *quaeritur* or the like.—**157, 14. ut praetores solent,** scil. *edicere.* Dig. II. 14, 7, § 7 *Pacta conventa, quae neque dolo malo neque adversus leges, plebiscita, senatus consulta, edicta principum neque quo fraus cui eorum fiat, facta sint, servabo.*

157, 15. ad aquam intercutem, "for the dropsy." The phrase is to be taken with *medicamentum;* so De Div. I. 7, 13 *mirari licet, quae sint animadversa a medicis herbarum genera, quae radicum ad morsus bestiarum, ad oculorum morbos, ad vulnera;* Verr. V. § 26 *ad magnitudinem frigorum praeclarum remedium;* Cato de R. R. 115 *vinum ad alvum movendum* etc.—**157, 17. illo medicamento . . . eo medicamento**: Cicero here falls into the legal style, where the words are often repeated to avoid any possible error. The apodosis of the whole sentence is *quid faciendum sit;* the essential condition is contained in *nec impetret;* "what is to be done in case permission is refused to a sick person to use a remedy which cured him on a former occasion, but which was given him on condition of not using it again?"

157, 21. qui non concedat contains the reason of the epithet *inhumanus.*

93 **157, 25. in foro saltet**: See § 75.

157, 28. Promisisse nollem: This is the reading of the MSS., which Baiter and Heine correct to *Promisisset nollem,* but unnecessarily. Compare p. 24, 15 and note.—**157, 29. fuisse gravitatis,** "would have become his dignity."—**157, 30. honestius mentietur, si** etc., "he will act more honorably in breaking his word, if he accepts nothing" etc.—**157, 32. magnum aliquod tempus,** "some great exigency."

CHAPTER XXV.

94 **158, 3. Ac ne illa quidem promissa**: Compare I. § 32.

158, 4. Phaethonti: The story is told in Ovid, Metam. II.

158, 7. ante quam constitit, "before he came to the ground."

158, 8. in hoc, "in his case;" so I. § 139 *quod in multis licet dicere.*

158, 10. Theseus: The passage *Quid . . . luctibus* is thought

by many to be spurious because the same example is cited in I. § 32. But the question there discussed is the same as here; and it is more probable that Cicero in his haste overlooked the repetition.—**158, 12. noverca,** i. e. Phaedra, who had falsely accused Hippolytus to his father.

95 **158, 16. immolavit Iphigeniam**: The reason of the sacrifice of Iphigenia was differently represented by different authors. Some regarded it as the fulfilment of a vow; so Eurip. Iph. Taur. 20; others as a sacrifice of parental love to the general interest of the Greeks; others as a propitiatory offering for having killed the stag of Artemis; and the Stoic in Horace, Sat. II. 3, 199, regards it as the triumph of avarice over his love for his child.

158, 28. commutata utilitate, i. e. when the thing is no longer *utilis* to the person to whom the promise was made.

96 **158, 31. a quattuor fontibus** etc.: This reference to the division of the virtues laid down and followed in the first book seems quite out of place. In the preceding chapters of the third book the division has not been regarded, for the examples discussed might, in general, have been treated under either of the first two virtues; nor do those which follow especially illustrate the third and fourth virtues. The passage affords one among many evidences of the haste with which this portion of the treatise was written.

159, 2. prudentia, quam vult imitari malitia: Comp. § 71 *eaque malitia, quae volt illa quidem videri se esse prudentiam.*

159, 5. in animi excellentis magnitudine et praestantia: So in § 24 *excelsitas animi et magnitudo;* I. § 15 *in animi excelsi atque invicti magnitudine et robore;* De Fin. V. 13, 36 *virtutes, quarum est excellens in animorum laude praestantia.*—**159, 6. in conformatione et moderatione continentiae et temperantiae,** "in the formation and government of character that comes from moderation and restraint."

CHAPTER XXVI.

97 **159, 10. sed insimulant eum tragoediae**: *sed* resumes the sentence after the parenthesis with the construction changed. The tragic poets, and especially Euripides, represent Odysseus as cunning, tricky, and cowardly; and so they have treated the following myth in various ways; Sophocles in the *Ὀδυσσεὺς μαινόμενος*, Euripides in several instances; and of the Romans before

Cicero, Attius and Pacuvius alluded to it in the *Armorum iudicium.*

159, 12. Non honestum etc.: Müller reads *Non honestum consilium, at utile, ut . . . dixerit, regnare* etc. The editions generally put a full stop at *consilium;* Baiter and Heine bracket *ut . . . dixerit.* The particle *At* introduces an objection which the speaker or writer suggests for the purpose of answering it, and is sufficient without *ut . . . dixerit;* moreover, this phrase is not usual in such a connection as the present. See Seyffert, Schol. Lat. I.[2] p. 141 n.

98 **159, 18. Quid enim auditurum** etc., i. e. "For what do you think would have been the judgment passed on Ulysses?"

159, 22. Cuius ipse etc.: The passage is probably quoted from the *Armorum iudicium* of Pacuvius, mentioned above. *Cuius,* l. 1, is taken as a monosyllable, *istius* as a dactyl with elision of the final *s.* According to Apollodorus, III. 10, 9, Ulysses advised Tyndareus to bind the suitors of his daughter with an oath to defend whomever of their number she might choose; Tyndareus procured Penelope for him in return.— **159, 23. fidem,** i. e. *iuris iurandi.* — **159, 24. Furere . . . institit,** "He began to feign madness, so as not to go with them" to the war. Cf. Cic. Ep. ad Fam. X, 16, 1 *flagitare institit;* Cic. Arat. 715 *inde sagittipotens superas cum visere lunas institit;* Plaut. Capt. III. 4, 52 *vide sis, ne quid tu huic temere insistas credere. insistere in aliquid* or *alicui* = *incumbere, attendere ad aliquid;* but Cicero says *munus insistere* in De Orat. III. 45, 176.

159, 25. Palamedi: Ulysses pretended madness by yoking together an ox and an ass, ploughing with them, and sowing salt. Palamedes laid his young infant Telemachus on the ground before the plough, and Ulysses showed his sanity by lifting the plough to spare his child. — **159, 26. percepset** = *percepisset.* So *extinxem,* Verg. Aen. IV. 606; *erepsemus,* Hor. Sat. I. 5, 79; *illexe* = *illexisse,* Accius ap. Cic. de Nat. Deor. III. § 68. — **159, 27. Fide,** a genitive form for *fidei,* which was still common in Cicero's time in prose and poetry.

99 **159, 30. ad bellum inferendum** is taken with *consentientem.* So Phil. IV. § 10 *deos ad rem publicam conservandam arbitror consensisse.*

159, 32. Regulus: See I. § 39. His capture occurred in B.C. 255, when he was proconsul; not *consul iterum* (160, 1), which was in the year preceding. — **160, 1. ex insidiis**: Polybius (I. 32)

says nothing of the ambush.— **160, 2. patre Hannibalis Hamilcare**: This is another error; for the battle of Tunis occurred in B.C. 255, whereas Hamilcar Barcas, the father of Hannibal, first took the command in Sicily B.C. 248, when quite a young man, and was still in the prime of life when he fell in Spain, B.C. 229.— **160, 3. ut . . . Carthaginem** gives the substance of the oath.

160, 6. ut res declarat, "as the fact, the course of events, shows."

CHAPTER XXVII.

100 **160, 13. locupletiores,** "more trustworthy," "of more weight;" so § 105 and elsewhere.

160, 16. In senatum venit: The whole story of the embassy is very doubtful; it is placed sometimes in B.C. 251, sometimes in 241.— **160, 17. ne diceret**: he might have written *dicere.*— **160, 18. iure iurando hostium,** "the oath given to the enemy," *hostibus dato.* — **non esse se senatorem**: Being a captive he was no longer in the full enjoyment of his civil rights. In Livy, XXII. 60 Manlius Torquatus answers the messengers from the prisoners taken at Cannae: *deminuti capite, abalienati iure civium, servi Carthaginiensium facti;* Hor. Carm. III. 5, 41 *fertur pudicae coniugis osculum parvosque natos ut capitis minor ab se removisse.*

160, 19. Atque illud etiam is one of the forms of transition, and *commemorandum est* or the like may be supplied. Compare I. § 124 *ac ne illud quidem alienum est . . . dicere.* So we find *quid illud? iam hoc; iam vero illud; accedit illud.* See Seyffert, Schol. Lat. I.^{3} p. 21 and 44.

160, 23. cum vigilando necabatur: Valer. Max. IX. 2, 1 *Karthaginienses Atilium Regulum palpebris resectis machinae, in qua undique praeacuti stimuli eminebant, inclusum vigilantia pariter et continuo tractu doloris necaverunt.* The story is no longer credited; Polybius says nothing of it, Dio Cassius (Zonaras, VIII. 15) considers it as an invention, and Diodorus (fr. l. XXIV.) only says that the wife of Regulus took revenge on two Punic prisoners, because the Carthaginians had allowed her husband to perish through neglect (*ἀμέλεια*).— **in meliore causa,** "in a better situation."

101 **160, 30. At** introduces again an objection to be answered.— **qui . . . non censuerit**: Subj. of the reason.

CHAPTER XXVIII.

161, 9. decŏre, from *decus*, not *decōre*. — **161, 10. utilitatis nomen** = *utilitatem ;* so II. § 2 *philosophiae nomen ;* Tusc. Disp. II. 14, 33 *si nulla est* (*patientia*), *quid exornamus philosophiam aut quid eius nomine gloriosi sumus?* — **non tam splendidum quam necessarium ducimus,** i. e. we set the highest value on, give the preference of honor to, the other qualities (*illa prima*), this (*utilitatem*) we consider simply necessary.

102 **161, 11. Quid est in iure iurando?** "What does the oath really amount to?" He cites several objections to the obligation of the oath in the remainder of the chapter, which are answered in the next. 1. *num iratum . . . perverteret* (ll. 12–20); fear of the gods need not trouble us. 2. *An ne turpiter . . . dicitur* (ll. 20–26); nor the morality of the action. 3. *Addunt . . . debuit* (ll. 27–32); the morality of the action of Regulus was only apparent, not real, because the oath was taken under compulsion. 4. *Addunt . . . videretur* (p. 162, ll. 1–2); a great advantage resulting from an action makes it right.

161, 13. hoc quidem is defined by *numquam nec irasci* etc. at the end of the sentence (l. 17). — **161, 14. deum nihil habere ipsum negotii**: This was the Epicurean view. De Nat. Deor. I. 19, 51 *Nihil enim agit, nullis occupationibus est inplicatus, nulla opera molitur, sua sapientia et virtute gaudet, habet exploratum fore se semper cum in maximis, tum in aeternis voluptatibus ;* ibid. II. 23, 59; De Leg. I. 7, 21. — **161, 16. deum semper agere aliquid**: This was held by Socrates and his successors. — **161, 17. nec irasci deum nec nocere**: Sen. de Ira, II. 27, 1 *quaedam sunt, quae nocere non possunt nullamque vim nisi beneficam et salutarem habent, ut di immortales, qui nec volunt obesse nec possunt.* By this it is not meant that the deity does not punish the wicked in some way; but that he does not do so by the lightning, by the Furies, etc. The Stoics held that the wicked were punished by the natural consequences of their evil actions. Plato taught a punishment hereafter; Phaedo, p. 81 B.

161, 20. quae tantam utilitatem perverteret, "which changed the character of an action of so great expediency," so that it should no longer be expedient.

161, 21. minima de malis, scil. *eligenda sunt ;* a proverbial expression, like the Greek τὰ ἐλάχιστα ληπτέον τῶν κακῶν. Arist. Eth. Nic. II. 9, 2.

161, 24. Fregistin fidem? The passage is from the Atreus of Accius. The question is asked by Thyestes, the answer given by Atreus. *impio rege* (l. 26) is said of the latter.

103 **161, 29. ut,** "as, for instance." The *oratio recta* is here resumed.—**161, 31. quod . . . esset actum**: The subjunctive to describe the character of the promise which was not to be kept, and involving also the reason.

162, 2. Haec fere, scil. *dici poterant. fere* = "about," "substantially."

CHAPTER XXIX.

104 **162, 4. Non fuit Iuppiter metuendus** etc.: The sense is *Non fuit metuendum ne Iuppiter iratus noceret;* the subject being transposed into the principal clause. This is the first objection, which he proceeds to answer.

162, 13. O Fides etc.: This verse, as well as those in I. § 26 and II. § 23, is assigned by Ribbeck to the Thyestes of Ennius.—**apta pinnis,** "winged;" cf. Verg. Aen. XI. 202 *caelum stellis ardentibus aptum.* "Preller, Röm. Myth. p. 226, connecting this verse with *Nulla sancta societas, Nulla fides regni est* (I. § 26), expresses the opinion that Fides was called 'winged' because she had flown from earth to heaven. So Vergil, Aen. I. 292, calls her *cana*, the hoary-headed, of the ancient time. Still it must not be forgotten that the abstract ideas personified by the Romans were mostly represented as winged; as, for instance, *Spes, Pudicitia, Nemesis, Infamia.*" Heine *in loco.*

162, 14. ius iurandum . . . Iovis, "oath taken with an invocation to Jupiter;" cf. § 100 *iure iurando hostium.* Jupiter was the highest deity, in whose name oaths were taken in case of treaties, sacrifices, etc.; hence he was called *Ζεὺς ὅρκιος, Iuppiter iurarius.* Preller, Röm. Myth. p. 238 and 637.—**igitur,** "therefore," i. e. by reason of the intimate connection between "good faith" and the oath, which Ennius implies in the verse just quoted. —**Fidem**: De Nat. Deor. II. 23, 61 *ut Fides, ut Mens, quas in Capitolio dedicatas videmus proxime a M. Aemilio Scauro; ante autem ab A. Atilio Calatino erat Fides consecrata.* The worship of Fides was referred back to Numa; Plut. Num. 16 *πρῶτον δέ φασι καὶ Πίστεως καὶ Τέρμονος ἱερὸν ἱδρύσασθαι, καὶ τὴν μὲν Πίστιν ὅρκον ἀποδεῖξαι Ῥωμαίοις μέγιστον, ᾧ χρώμενοι μέχρι νῦν διατελοῦσιν.*— What oration of Cato is here referred to is not known.

105 **162, 16. At enim** introduces the second part of the first objection: "But, it may be said, even granting that the gods become

angry and do us harm, this would not justify Regulus, for" etc.

162, 19. non modo [non]: Heine does not bracket the second *non*, and it is sometimes found in such sentences as the present; see note p. 151, 7. But it is better omitted here. — **162, 20. maxima auctoritate philosophi,** i. e. the Stoics.

162, 22. haud scio an, "I am inclined to think."

162, 26. Nam quod aiunt etc.: The sentence is elliptical, and the idea is: "And even granting for a moment their next objection, that Regulus should have chosen the least of evils, they are in no better position; for it amounts to this, that he should have acted immorally rather than incur pain; and would not this have been the greatest of evils? *or* (*an*) will you say that there is any greater evil than moral depravity?" — **162, 30. turpificati,** like *mitificatus* in De Div. II. 26, 57, is formed like *amplificatus*, although there is no verb *turpificare.*

106 **162, 30. nervosius qui ista disserunt,** i. e. the Stoics; **remissius** (l. 32), the Peripatetics. See §§ 20 and 35. Cicero uses *nervosus* to denote energy in thought and expression. Brut. XXXI. 121 *quis enim uberior in dicendo Platone? . . . Quis Aristotele nervosior, Theophrasto dulcior?* Here he seems to imply a strictness of moral judgment, in contrast to *remissius*, "in a looser manner."

163, 1. illud quidem . . . idcirco recte etc., "the line of Accius . . . was rightly so written by the poet, for the reason that, when the subject of Atreus was treated, regard must be had to his peculiar character."

163, 3. infideli, "to a person who does not keep his promise."

163, 6. videant, ne, "let them take care, lest" etc., "let them see whether perhaps . . . not" etc. Comp. p. 21, 16, note.

107 **163, 9. ut mens conciperet fieri oportere,** "that the mind (of the person taking the oath) understood that the thing really ought to be done;" i. e. if the oath was taken with a consciousness of the justice of the obligation.— **163, 10. quod aliter** etc.: The Stoic doctrine may be seen in Stob. Ecl. Eth. II. p. 230 *τῷ μέντοι ψεύδει ποτὲ συγχρήσεσθαι νομίζουσι τὸν σοφὸν κατὰ πολλοὺς τρόπους ἄνευ συγκαταθέσεως* (i. e. *ubi mens non concipit id fieri oportere*)· *καὶ γὰρ κατὰ στρατηγίαν πρὸς τῶν ἀντιπάλων καὶ κατὰ τὴν τοῦ συμφέροντος προόρασιν.* Dr. Whewell (Elements of Morality, bk. III. § 315) thus states the rule: Promises are to be performed in the sense in which they are made and received, by the mutual understanding of the two parties, at the time.

163, 13. ex perduellium numero definitus, i. e. *ita definitus ut sit ex numero,* or *in numero, perduellium.* For *ex numero* = *in numero,* compare De Orat. I. 23, 108 *nam si ars ita definitur ex rebus penitus perspectis planeque cognitis . . . non mihi videtur ars oratoria esse ulla.* On *perduellis,* see p. 25, 14, note.

108 **163, 17. EX ANIMI SENTENTIA** was a formula used in the taking of oaths. Acad. II. 47, 146 *Quam rationem maiorum etiam comprobat diligentia, qui primum iurare "ex sui animi sententia" quemque voluerunt, deinde ita teneri, "si sciens falleret."* In I. § 40 Cicero says *Semper autem in fide quid senseris, non quid dixeris, cogitandum.* Stob. p. 230, just before the passage quoted above, says: *οὐ γὰρ ἐν τῷ λέγειν τι ψεῦδος τὸ ψεύδεσθαι ὑπάρχειν, ἀλλ' ἐν τῷ διαψευστῶς τὸ ψεῦδος λέγειν καὶ ἐπὶ ἀπάτῃ τῶν πλησίον.*

163, 19. Euripides: The quotation is from Hippol. 612 *ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος.* Hippolytus thus justifies himself for breaking the oath which he had sworn not to reveal the advances which his stepmother had made to him. Euripides was frequently ridiculed by Aristophanes for this verse.

163, 23. adversus quem, "in relation to whom;" instead of *cum quo . . . communia.*

CHAPTER XXX.

109 **163, 28. apud Caudium,** the famous battle at the Caudine Forks, fought in B.C. 321. The senate refused to ratify the treaty which the defeated consuls had made with C. Pontius, the Samnite general, and surrendered them to the enemy.

163, 31. Ti. Numicius, Q. Maelius: Livy, IX. 8, 13, gives the name of the first as *L. Livius.* Cicero describes them as **tribuni pl.,** and the question arises how they could have been absent from the city contrary to the law. It is conjectured, therefore, that they were the tribunes elect for the following year.—**164, 1. pax Samnitium,** "the peace with the Samnites;" so § 86 *Pyrrhi bello.*

164, 3. Quod idem, scil. *fecit.*—**164, 4. C.** *Hostilius* **Mancinus,** consul in B.C. 137, had conducted the war against Numantia. Being defeated he succeeded, with the aid of the quaestor Ti. Gracchus, in arranging a peace with the enemy. This was afterwards disavowed by the senate; but instead of giving up all the officers who had sworn to the peace, they surrendered Mancinus alone; and the people of Numantia refused to receive him.—

164, 6. L. Furius *Philus*, **Sex. Atilius** *Serranus* were consuls in B.C. 136.

164, 8. Q. Pompeius, consul in B.C. 140, failing to get possession of Numantia, made a treaty with the inhabitants. On the arrival of his successor he cancelled the arrangement, and the senate afterwards endorsed his action. Appian. de Reb. Hisp. 81.

164, 10. Hic, "In this case."

110 **164, 18. Quasi vero forti viro vis possit adhiberi**: The Stoic doctrine that the *sapiens* cannot be forced to do anything follows from his freedom and self-sufficiency. Sen. De Benef. III. 20 *corpora obnoxia sunt et adscripta dominis, mens quidem sui iuris . . . Corpus itaque est, quod domino fortuna tradidit. Hoc emit, hoc vendit; interior illa pars mancipio dari non potest. Ab hac quicquid venit liberum est.*

164, 14. Cur igitur, "Why then," i. e. if no violence was employed.

164, 17. Non suo iudicio stetit, i. e. He did not simply form his own opinion and allow the senate to act as they pleased in the matter, but he did all in his power to persuade them to adopt his view.

164, 21. sentire illa, "to give his opinion to that effect," i. e. that the captives should be retained; **pati** refers to his own fate.

164, 22. Nam quod aiunt introduces the last objection.—**164, 23. immo vero,** scil. *dicere debuerunt;* **esse, non fieri,** "is so by nature, not becomes so."

164, 27. laudabilius, scil. *exemplum.*

CHAPTER XXXI.

111 **164, 28. unum,** "the only thing."

164, 32. non hominis, sed temporum: Compare p. 109, 18.

164, 32. Nullum enim vinculum etc.: Terent. Hecy. V. 1, 23 *Aliud si scirem, qui firmare meam apud vos possem fidem, sanctius quam ius iurandum, id pollicerer tibi.*

165, 2. in duodecim tabulis: De Leg. II. 9, 22 *periurii poena divina exitium, humana dedecus.*—**165, 3. sacratae**: Festus, p. 318 *sacratae leges sunt, quibus sanctum est, qui quid adversus eas fecerit, sacer alicui deorum sit cum familia pecuniaque.* The laws of B.C. 494, instituting the tribunes of the people, are especially so designated.—**165, 4. notiones animadversionesque,** "the investigations and punishments." So Pro Caec. XII. 35

quid denique ad ius civile aut ad actoris notionem atque animadversionem ages iniuriarum?

112 **165, 6. L. Manlio** *Imperioso,* made dictator in B.C. 363 *clavi figendi causa.* In order to carry on war against the Hernici he tried to prolong his power, and raised a levy of troops. The tribunes resisted him and forced him to lay down his office; in the following year Pomponius prosecuted him. Livy, VII. 3 ff. —**165, 10. ab hominibus relegasset**: Sen. De Benef. III. 37, 4 *ob adulescentiam brutam et hebetem;* Valer. Max. VI. 9, 1 *quia brutus ac hebes et domesticis et rei publicae usibus inutilis videbatur.*

165, 11. Quod cum . . . filius, negotium exhiberi: *Quod* is defined by *negotium exhiberi patri. negotium exhiberi* is a common phrase for *accusare;* the opposite is *missum facere.*—**165, 13. primo luci**: *lux* is frequently found as masculine in early Latin.

165, 14. qui . . . arbitraretur assigns the reason, hence the subjunctive.

165, 25. cognomen invenit: De Div. I. 10, 16 *quae nomen ex inventore repperit;* Tusc. Disp. IV. 22, 49 *Torquatum quidem illum, qui hoc cognomen invenit;* De Fin. I. 7, 23 *eum Torquatum, qui hoc primus cognomen invenit.*—**tertio consulatu,** in B.C. 340. —**165, 26. ad Veserim,** a town or river near the foot of Mt. Vesuvius.—**165, 27. acerbe severus**: He had his own son executed for engaging in single combat with one of the enemy contrary to orders.

CHAPTER XXXII.

113 **165, 31. se . . . redituros** depends on *iuratos.*—**castra ea, quorum** etc.: There were two camps, from one of which a part of the Roman army had cut their way through and fled to Canusium.—**166, 1. si non redierunt,** "if they really did not return;" Cicero does not think the matter historically certain; so in I. § 33 *si verum est.*

166, 2. Polybius, namely, in VI. 58. Livy, XXII. 61, says that according to one account all remained in Rome, and only those messengers returned whom Hannibal sent for the others, because they remained longer than he expected. Compare the same account in I. § 40, above.—**166, 8. fraus astringit** etc., "fraud binds a person with, renders him guilty of, perjury; it does not do away with it." Compare p. 129, 12 *num igitur se astrinxit scelere.*

114 **166, 14. qui . . . diffugissent**: The passage of Polybius which

Cicero had before him is VI. 58, 6 *οὔτε γὰρ ἀποδεδειλιακέναι κατὰ τὴν μάχην οὔτ' ἀνάξιον οὐδὲν πεποιηκέναι τῆς 'Ρώμης, ἀλλ' ἀπολειφθέντας τὸν χάρακα τηρεῖν, πάντων ἀπολομένων τῶν ἄλλων ἐν τῇ μάχῃ τῷ καιρῷ περιληφθέντας ὑποχειρίους γενέσθαι τοῖς πολεμίοις.*

166, 16. parva pecunia: Polybius says three minae each; Livy, XXII. 58 *pretium fore in capita equiti quingenos quadrigatos nummos, trecenos pediti, servo centenos;* Gell. VI. 18 *pro iis, quos alteri plures acciperent, darent argenti pondo libram et selibram.*

166, 19. scribit idem: Polybius, VI. 58, 13 *ὥστε τὸν 'Αννίβαν μὴ τοσοῦτον χαρῆναι νικήσαντα τῇ μάχῃ 'Ρωμαίους, ὡς συντριβῆναι καταπλαγέντα τὸ στάσιμον καὶ τὸ μεγαλόψυχον τῶν ἀνδρῶν ἐν τοῖς διαβουλίοις.*

115 **166, 22. C. Acilius** was a contemporary of Cato Censorius, and had written the history of Rome from the beginning up to his own time; his work was translated into Latin by one Claudius. Livy, XXV. 39, 12; XXXV. 14, 5. — **166, 24. a censoribus,** M. Atilius Regulus and P. Furius Philus, B.C. 214. Livy, XXII. 61, 9 *ceterum proxumis censoribus adeo omnibus notis ignominiisque confectos esse, ut quidam eorum mortem sibi ipsi extemplo consciverint, ceteri non foro solum omni deinde vita sed prope luce ac publico caruerint.*

166, 25. huius loci, i. e. the third grand division of the subject, the conflict of the *honestum* and the *utile.*

CHAPTER XXXIII.

116 **166, 32. quarta pars**: See the division in § 96. This portion treats of the apparent expediency of pleasure, the opposite of the fourth virtue, temperance. The argument is therefore turned against those philosophers who, like Epicurus, held that virtue was to be practised for the sake of happiness, and those who, like Calliphon, placed both upon the same footing.

167, 3. ab Aristippo Cyrenaici, like the Greek *οἱ ἀπὸ Πλάτωνος*: so Pro Mur. XXX. 63 *nostri illi a Platone et Aristotele;* De Orat. II. 14, 58 *post ab Aristotele Callisthenes.* Aristippus, born at Cyrene, founder of the Cyrenaic school of philosophy, lived about B.C. 366. He was a disciple of Socrates, but he held that momentary pleasure was the chief good and pain the chief evil. See the note on p. 167, 7. — **167, 4. Annicerii,** so called from their teacher Anniceris, one of the successors of Aristippus. Anniceris modified the doctrine of Aristippus, in that, while considering pleasure the highest good, he added that pleasure must

yield to the duties towards one's country, friends, and parents.— **philosophi nominati,** "so-called philosophers." Fragm. Or. pro Q. Gallio II. *quidam poeta nominatus, homo perlitteratus, cuius sunt illa colloquia poetarum et philosophorum;* comp. Tusc. Disp. V. 26, 73 *Epicuro, qui . . . sibi ipsi hoc nomen inscripsit.* — **167, 6. efficiens voluptatis** translates ποιητικὴ τῶν ἡδονῶν, Diog. Laert. X. 142.

167, 7. Epicurus, eiusdem fere etc.: Both agreed in this, that virtue was to be esteemed only so far as it produced happiness. But while Aristippus held that the sensation of each particular pleasure (ἡδονὴ κινητική) was the proper end and aim (τέλος) of all activity, Epicurus taught that the highest good was the greatest amount of happiness in the long run; so that one must understand the true value of things, weigh one pleasure against another, forego a pleasure, or endure a pain, for the sake of some greater or more enduring advantage. He also taught, in conformity with this, that intellectual were higher than physical pleasures, and that to attain happiness lay within our own power.

167, 8. "viris equisque": So in II. § 84 *armis et castris.*— **167, 9. si . . . sententia est,** "if one is determined."

117 **167, 12. spe explorata,** "a well-grounded expectation."— **Metrodoro,** of Athens; he was the favorite disciple of Epicurus, and next to him the most noted teacher of the school. De Fin. II. 28, 92 *Metrodorus, paene alter Epicurus, beatum esse describit his fere verbis: "cum corpus bene constitutum sit et sit exploratum ita futurum."* Clem. Alex. Strom. p. 417 C ὁ δὲ Ἐπίκουρος πᾶσαν χαρὰν τῆς ψυχῆς οἴεται ἐπὶ πρωτοπαθούσῃ τῇ σαρκὶ γενέσθαι, ὅ τε Μητρόδωρος, Ἀγαθόν, φησι, ψυχῆς τί ἄλλο ἢ τὸ σαρκὸς εὐσταθὲς κατάστημα καὶ τὸ περὶ ταύτης πιστὸν ἔλπισμα.—**167, 13. et quidem summa,** "and of course then the highest," i. e. according to him

167, 15. locus, "place" in their system.

167, 25. qui bona voluptate terminaverit, lit. "who marked out the limits of good things by pleasure," who held happiness to be the measure of good.

167, 26. Ut, "As, for example."—**167, 27. ille quidem:** See note on p. 33, 21.—**aqua haeret,** a proverbial expression; "he labors under difficulties," cannot present any definite teaching. So Ep. ad Quint. Fr. II. 8, 2 *in hac causa mihi aqua haeret.*

118 **167, 31. his tribus generibus** etc.: Epicurus held, it is true, that happiness is the highest good, that which alone has, *per se*, any worth. He did not teach that this happiness was to be

sought in unlimited indulgence of the passions, but rather in a complete freedom from their influence. The virtues, then, although having no absolute value, were yet to be cultivated as the means of attaining the *ἀταραξία*, the perfect tranquillity of mind. Wisdom presupposes a sound mind and judgment; it frees us from error, passion, fear, and leads us to set a right value on all things. Fortitude makes us bear the trials of life in such a way that we may least suffer from them. Temperance helps us to enjoy pleasure in a rational manner. Justice leads us to live in such a way that we fear no ill from the gods or men. Throughout the whole passage Cicero criticises, not what Epicurus himself taught, but rather what the system had led to in practice, as he saw it in his daily life.—**168, 6. voluptatis magnitudinem** etc., "that the intensity of pleasure is limited by the absence of pain;" that is, when we have nothing to disturb us and no want unsatisfied, we are most happy. Diog. Laert. X. 189 *ὅρος τοῦ μεγέθους τῶν ἡδονῶν ἡ παντὸς τοῦ ἀλγοῦντος ὑπεξαίρεσις*: ibid. 128 *ὅταν δὲ μὴ ἀλγῶμεν, οὐκέτι τῆς ἡδονῆς δεόμεθα.*

168, 7. Iustitia vacillat vel iacet potius, lit. "Justice staggers or, rather, lies prostrate;" i.e. these philosophers, when they come to treat of justice, give no consistent teaching, or rather they give none at all.—**168, 8. eae virtutes, quae** etc.: See I. § 20.

168, 10. amicitia: Friendship, according to Epicurus, is one of the greatest blessings of life, so that the wise man would even lay down his life for his friend; but still it is to be sought only for the sake of the happiness it brings.—**168, 11. expetantur**: So in conditional clauses after *non potest* and an infinitive the subjunctive is generally used. De Fin. I. 16, 54 *ne ipsarum quidem virtutum laus . . . reperire potest exitum, nisi dirigatur ad voluptatem.*

119 **168, 12. Conferamus in pauca,** "Let us sum up in a few words."

168, 14. omnem voluptatem honestati esse contrariam: This was the doctrine of the strictest Stoics. Sext. Emp. adv. Math. XI. 73 *Κλεάνθης μὲν μήτε κατὰ φύσιν αὐτὴν (τὴν ἡδονὴν) εἶναι μήτε ἀξίαν ἔχειν αὐτὴν ἐν τῷ βίῳ . . . Παναίτιος δὲ τινὰ μὲν κατὰ φύσιν ὑπάρχειν, τινὰ δὲ παρὰ φύσιν.*

168, 15. Calliphontem et Dinomachum: Calliphon and Dinomachus held that the first impulse was towards pleasure, and that virtue afterwards came in upon an equal footing. They attempted thus to take a middle course between Stoicism and

Epicureanism. Comp. Tusc. Disp. V. c. 30; De Fin. V. § 21. For the Stoic view, see De Fin. III. 6, 21; and Introd. § 13.

168, 23. alio loco pluribus, scil. *dictum est;* in De Fin. II.

120 **168, 28. condimenti**: Pleasure, the Stoics held, may accompany virtue, but is only a consequence, not the aim; it may be considered a desirable thing, but not as good in itself.

121 **168, 31. perinde erit, ut acceperis,** i. e. *tanti erit, quanti feceris.* Sall. Iug. 4 *perinde habeantur, ut eorum, qui ea sustinent, virtus est.*

168, 32. commentarios, ὑπομνήματα, the lectures of Cratippus, which the younger Cicero was now attending at Athens. In Ep. ad Fam. XVI. 21, 8 Marcus writes to the freedman Tiro *multum mihi enim eripitur operae in exscribendis hypomnematis.* —**169, 3. e medio cursu . . . revocasset**: When Cicero no longer felt himself safe in his country-seat, and was in uncertainty which party to follow, he sailed for Greece (July 17, B.C. 44), but the ship was driven back by the wind. News then reached him that the condition of things was changed, and that his voyage was disapproved by the prominent men at Rome; and M. Brutus summoned him back to work in the interest of the party. He returned at the end of August; and his death, on the 7th of December, B.C. 43, prevented him from carrying out his wish of visiting his son in Athens.

169, 8. absens loquar: Cicero intimates his intention of writing other philosophical works for his son. Compare I. § 4; Ep. ad Att. XV. 13, 6.

169, 11. si . . . laetabere: The fut. ind. in the orat. obliq. So Phil. VIII. 9, 27.

ADNOTATIO CRITICA.

A = Cod. Ambrosianus, saec. X.
B = Cod. Bambergensis, saec. X.
H = Cod. Herbipolitanus, saec. X.
a = Cod. Bernensis, No. 514, saec. X.
b = " " " 391, " "
e = " " " 104, " XIII.
p = " Palatinus, " 1531, " XII.
Bait. I. = ed. Turicensis, 1861.
Bait. II. = ed. Lipsiae, 1865 (Tauchnitz).
Hein. = ed. quinta, O. Heine, Berol., 1878.

LIBER I.

P. 11, 12, *ad dicendum; ad discendum* codd.—P. 12, 5, *magnopere* codd., Hein.; *magno opere* et sim. Bait. constanter; nos codices sequimur.—P. 12, 11, *laboraret* codd.; *elaboraret* Lambinus. —P. 13, 22, *dicant* codd., Bait. II, Hein.; *ducant* Bakio auctore Bait. I.—P. 13, 27, *sequemur* Graevius; *sequimur* codd.—P. 14, 3, *ratione* Bait., Hein., Lund.; [*a*] *ratione* Müll.; *a ratione* codd.—P. 14, 5, *disputetur. omnis* Bait. II, "non quo locum sanum putem, sed quia medela est incertissima;" *disputetur . . . Omnis* Müll. et Hein.—P. 14, 8, *confirmari* codd.—P. 14, 11, *Quae autem* Muthero auctore Hein.—P. 14, 15 [*Atque etiam . . . reddi possit*] de Ungeri sententia (Philol. Suppl. III. p. 14–18) Bait. I, Hein.—P. 15, 4, *Hac divisione* codd.; *In hac divisione* Bait., Hein.—P. 15, 17, *item* Manut., Bait., Hein.; *autem* codd.—P. 15, 19, *sunt* vulg.; *sint* codd., Müll.—P. 15, 31 [*ingeneratque . . . procreati sunt*] Facciol., Bait. II.—P. 16, 15 [*praecipienti*] Saupp., Bait., Hein.—P. 16, 20, *deceat in factis dictisque, quid modus* Unger., Bait. II, Hein.; *qui modus* codd.—P. 16, 26, *conservanda* Bait., Hein., Lund.; *conservandam* codd., Müll.; *conservandum* vulgo.—P. 16, 31, *honestum sit* codd., Bait.; *honestum est* all., Hein.—P. 17, 13, *discripta* Hein.; *descripta* codd., vulg.; *discr.* est in codd. § 21 B (*descr.* Hein.), § 51, § 101 (*descr.* Bait. II, Hein.), II. § 15 H b, I.

§ 96 b (*desc.* Bait. II).—P. 17, 27, *item* Pearc., Bait., Hein.; *autem* codd.—P. 18, 3, *cognitionis* AT; *cogitationis* B H a b c.—P. 18, 31, *duae sunt* cod. c, Bait., Hein.; *continentur; cuius partes duae*, Müll.—P. 19, 8, *conditione* codd. praeter A.—P. 19, 11, *fit, eorum* Lund., Bait., Hein.—P. 19, 13, *e quo* codd. praeter B, in quo est *eo;* cum cruce Bait. I, sed *de quo* in suppl. adn. et in ed. II, Hein. —P. 21, 22 [*Nam alterum . . . deserunt*] Unger., Bait. II; *Nam alterum* [*iustitiae genus*] Pearc., Heusing., Müll.; *ut inferenda* Halm., Müll.; *in infer.* codd., *in* del. Bait., Hein.; *in altero delinquunt* e cod. c Bait. I, Hein.; *in alterum incidunt* codd. praeter c, Bait. II, Müll.—P. 22, 3, *Quando* codd., Hein.; *Quoniam* Bait.—P. 23, 14 [*sed malitiosa*] Bait., Hein.—P. 24, 16, *oportunitatem* codd.; *opport.* edd.; item § 142 (H b c); III. § 38 (B H).—P. 25, 8, *Marci* codd., Bait., Hein.; *M.* Müll.—P. 25, 8, *epistola* Bait. I; item II. § 48; § 53 (*epistula* cod. H); III. § 10.—P. 26, 5, *Non* cod. p, Vahl., Bait., Hein., Lund.; *nec* codd.—P. 26, 9, *virtuti* codd. A c, Bait., Lund.; *virtute* B H b; *virtutei* Vahl., Hein.—P. 26, 24, *quia peierassent* S. J. Hellero auctore Bait.—P. 28, 21, *et communitas ac societas vitae* transp. post *officia ante conlata* Ungero auctore Hein.—P. 29, 2, *sapienti* de Wesenbergi sententia Bait. et Hein.; *sapiente* codd.—P. 29, 5, *benivolentia* codd. "ubique;" *benev.* edd. —P. 29, 7, *diligimur* Bait. in supplem. adn. e codd. B[1] H (?), non in ed. II.—P. 30, 21, *ut est constitutum* Pearc., Bait. II, Hein., Lund. —P. 30, 32, *profluenti* Hein.—P. 31, 7, *Ennii* codd. et edd.; vide II. § 47.—P. 31, 31, *sepulcra* codd. A b, Bait. II; *sepulchra* cett., Bait. I, Hein.—P. 32, 11, *vult* (*volt* Bait. II semper) *in amicitia* codd., Bait.; *ultimum in amicitia putavit* Nonius, Hein.—P. 32, 14, *datis acceptisque, quae* falso codd. testatur Hein., nam habent aut *que* aut *quae.*—P. 33, 2 [*estque . . . coniugavit*] Bait. II.—P. 33, 31, *ĭlla virgō* non posse a poeta positum esse Müll. videtur (scrib. *illa*" *virgo* "*viri*"); posse autem v. c. *illa autem.*—P. 34, 1, *Salmacida* Hein.; *Salmaci, da* all., Bait. II.—P. 34, 19, *enim* omitt. optimi codd., Unger., Bait. II.—P. 35, 1, *excellet* opt. codd., Hein., Müll.; *excellit* vulg., Bait.—P. 35, 24, *persuasum est* Madv.; *persuasum sit* codd.—P. 36, 27, *nimia* Or. Lund. "probante Madv."; *animi* codd., secl. Hein., del. Bait.—P. 37, 20, *nulla est* Man., Bait. II, Hein.—P. 38, 12, *studia* add. Unger.; *maiorque cura* cod. a, vulg.—P. 38, 15, *accedet* scripsisse Ciceronem suspicatur Müll.; cf. II, § 85, *qui persequentur;* N. D. I, § 122, *si . . . referemus.*—P. 38, 27 [*et cupidi bellorum gerendorum*] Sauppio auctore Bait., Hein.—P. 39, 1, *Ariopagitas* Müll., codd. A b c; v. 5 solus c *Ario-*

pagum.—P. 39, 9, *Lacedaemoniis partum* Lamb.; *partum Laced.* Bait.; *Laced. dilatatum* cod. A[2], Hein.—P. 39, 17, *excindenda* cod. B, Bait., Hein.—P. 39, 32, *m. fili* hic opt. codd.; *Marce fili* edd. —P. 40, 26, *in* del. Bait. II.—P. 40, 30, *aliquando ante*, codd.—P. 41, 10, *magni viri* codd. A b; *viri magni* cett., vulg.—P. 41, 14, *calida* Nonius; *callida* codd.—P. 42, 16, *Noenum* Lachm., Bait.; *Non enim* codd., Hein. — P. 42, 17, *Plusque magisque* Bernays., Vahl.; *priusque* Bergk.—P. 42, 20, *sit* codd., Bait. I; *est* Halmio auctore Bait. II, Hein.—Ibid. *audeant* Ern., Müll., Bait. II; *audent* codd., Bait. I, Hein. — P. 43, 32, *punitur* Non.; *puniet* codd. — P. 44, 13 [*superbiam*] Bait. II. — P. 47, 23, *uno* [*quoque*] Hein.; *uno suoque* Unger.—P. 47, 30 [*adversus homines*] Bait. II Lambino auctore. — P. 48, 17, *atque naturae* codd. — P. 48, 20, *fugiendumque* opt. codd., Bait. II, Hein.; *fugiendumve* c p, Bait. I.—P. 48, 20-24 [*Ita fit . . . officii*] Facciolato auctore Bait.—P. 48, 27 [*animi*] Hein.—P. 49, 28, *in tempore* Fleckeiseno auctore Bait. II, Hein.; *tempore* codd., edd.—Ibid. *ut si* codd., Hein.; *aut si* Madv. apud Lund., Bait.—Ibid. *magno homine* Madv., Bait., Hein.; *maximo homine* Seyffert.—P. 50, 21, *volumus* codd. A B[1] b; *volemus* B[2] H corr. eadem manu ex *volumus*, Bait., Hein. —Ibid. *natura hominis* vulg., Hein.—P. 51, 14, *accepimus facile* sine distinct. Hein.—P. 51, 26, *Callicratidam* codd. A b, Hein.; *Callicratidan* B H, Bait.—P. 51, 28, *aliquem* Pearc., Bait.; *alium* om. *quemque* Facciolat., Hein.—P. 51, 30, *itemque* B H[2] T; *idemque* codd. A H[1] a b c, Bait. II, Hein.—P. 51, 31, *in Mancia* Unger.; *Mancia* sine cruce Bait. I.—P. 52, 27, *alius in eadem causa non debeat* codd. c p coniectura, ut Müllero videtur, om. meliores; *in eadem causa seclus.* Bait.—P. 52, 27, *Non enim* cod. c; Vid. Seyffert., Schol. Lat. I[2], § 52, p. 119.—P. 53, 7, *et iucundum* e codd. c p Hein.; om. Bait. II.—P. 53, 14, prius *suum* om. Bait.—P. 53, 20, *Clytemestram* codd., Hein.; *Clytaemn.* vulg., Bait.—P. 55, 10, *sine* Stuerenberg., Bait. II, Hein.; *sive* codd., Bait. I.—P. 55, 20, *ei rei* Gruterus, *ei* a; *rei* A B H b; *eius rei* c p.—P. 56, 10, *possit* J. M. Heusinger.; *possint* codd.—P. 56, 21 [*et vitium*] Bait. II; *et impium* cod. p, Bait. I, Hein.—P. 58, 10, *foedum* Klotz., Hein.; *formam* opt. codd.; *turpem* c, Bait.—P. 58, 19, *nec oratio obscenitate* Manutius.—P. 58, 22, *verbis* opt. codd., Hein.; *nominibus ac verbis* codd. c p, Bait. I; *nominibus* Bait. II errore, ut videtur, ita scriptum esse in codd. A B H a b testatus in adn. crit.—P. 58, 23, *ducamus* codd. c p, Hein.; *dicamus* A B b, Bait.—P. 58, 31, *teneant* vulg.; *teneat* codd., Müll.—P. 59, 12, *est* Halmi admonitu Bait. II, Hein.,

Lund.; *sit* codd., Müll.—P. 60, 24, *hii* codd. A B H b; *ii* Bait.—P. 61, 11, *severe maledice* Müll.—P. 61, 16, *neque enim omnes* cod. c, vulg.; om. *omnes* A B H a b, Müll.—P. 62, 3, *Magnam autem partem* Lambinus; *magna autem parte* codd.; *magna autem in parte*, Unger.—P. 62, 7, *est ipsius* [*id*] *causa*, Bait.—P. 62, 14, *praedicare falsa praesertim et*, Müll.—P. 63, 3, *modi* Non., codd. c p, Bait. II, Hein.; *generis* e codd. a Bait. I; om. B H b.—P. 63, 8, *antiqua et quam* codd.—P. 63, 17 [*imitati*] Bait., Hein.; *imitati* Müll.—P. 63, 18, *que* om. Bait.—P. 65, 1, *Atqui* auct. Hein. Müll.; *Atque* rell.—P. 65, 9, *apparet . . . desiderat* codd., Hein.; *apparent . . . desiderant* vulg., Bait.—P. 65, 18, *animadversores* Hein.; *animadversoresque* codd.; *animadversores*[*que*] Müll.; **animadversoresque* Bait. — P. 65, 26, *in illos* opt. codd.; *illos* Bait. II.—P. 66, 23, *sic ut* p et Nonius; om. B H a b c.—P. 67, 13, *Quibus autem in artibus* Bait. II; om. *in* Müll.; *In quibus* Lund., Hein.—P. 67, 16, *hae* Hein.; *hee* cod. c.—P. 67, 25, *nihil homine nihil libero* codd.—P. 68, 3, *est* Fleck., Klotz., Bait. II, Hein.; *sit* codd., Müll.; vide § 130.—P. 68, 9, *copiis* [*quamvis*] *omnia* Müll.—P. 68, 15, *dicunt* cod. b, Hein.; om. rell., Bait.—P. 68, 18 [*deorum et*] all., Bait.—P. 68, 20, *ut est, certe necesse est* vulg.—P. 68, 22, *rerum naturae . . . actio consequatur* Scheib., Bait., Hein.—P. 69, 5, *hominum caritatem* e codd. c p Bait. I.—P. 69, 22, *prudentiam intellegentiamque* opt. codd., Bait.; *intell. prudentiamque* c p, Hein.—P. 70, 2, *remota a comm.* Anemoec., Bait. I, Hein.; praepositionem recte om. codd., Bait. II. — P. 70, 9, *societatem, quod, si* Bait. II et all.—P. 70, 31, *effectum est* Halmio auctore Bait. II, Fleckeis., Hein.—P. 71, 1 sqq. [*Etenim . . . prudenter*] Unger., Hein.

LIBER II.

P. 82, 8 [*verbo*] Lundio auct. Bait.—P. 82, 14, *genere* cod. c, Bait. I.—P. 82, 29, *opere* opt. codd.; *opera* e cod. a Bait., Hein.; vide § 14 *opere* omn. codd.; *opera* ed. Ascens., Bait., Hein.—P. 83, 20, *subvenire* mell. codd., Bait., Müll.; *subveniri* c, Hein.—P. 83, 28, *sint* codd., Bait. I, Hein.; *sunt* all., Bait. II.—P. 84, 5, *eae, quae* codd., Bait. I; *eae* om. Non., all., Bait. II, Hein.—P. 84, 10, *distat* codd. c p, Hein.; *destitit* opt. codd., Bait.—P. 84, 16, *mutandis . . . commodis* codd., Bait. I, Hein., Lund.; *mutuandis . . . commodandis* Non., Bait. II, Müll.—P. 84, 21, *bello* opt. codd., Hein.; *belli* c p, Bait., Lund.—P. 85, 9, *usu et* codd. c p, Hein.; om. opt. codd., Bait. II, seclusit ed. I.—P. 85, 12 [*virorum praestantium*] scr.; sine uncis Bait.; *morum praestantia* [*sapien-*

tia] Madv., Hein.—P. 85, 22, *habemus* Bait.—P. 87, 1, *et* Pearc., Bait., Hein.; *aut* codd., Müll.—P. 87, 13, *paretque* cod. c, Bait. II, Hein., Lund.; *apparet* opt. codd.; *ac paret* Halm., Müll.; *maxume* cod. b; *maxime* rell., vulg.—P. 88, 14, *paelicatus* Hein. *suspit.* in his libris Bait. et Hein. constanter.—P. 88, 18 [*Alexander*] Hein. —P. 90, 3, *malumus* codd. B H b, Hein.; *maluimus* c, Bait.— P. 90, 20 [*qui inscribitur Laelius*] Gulielm., Bait., Hein.—P. 91, 1 [*voluntate . . . movetur*] et v. 3 [*autem*] Saupp., Bait., Hein.— P. 91, 29, *suspectior est detr.* e cod. b Müll.; om. rell.—P. 91, 31 [*iustitia . . . poterit*] Bait. II.—P. 92, 24, *maleficos* all., Hein.; *maledicos* Bait. II, Lund.—P. 92, 25, *haud contemnunt quidem* cod. b, Bait. II; *cont. quidem neutiquam* B H p, Hein., Bait. I; *nequaquam* cod. c.—P. 92, 29, *adficiunt* Lamb., Bait., Hein.—P. 93, 6, *est* om. cod. c, all., Bait., Hein.—P. 93, 15, *perspectum est* Phil. Wagner., Bait. II, Hein.—P. 94, 9 [*latro*] Bait., Hein.—P. 95, 20, *Tiberius* codd., Bait., Hein.—P. 96, 3, *Quarum* Bait. in utraque ed.—P. 96, 9, *igitur est* cod. B; *est igitur* cett.—P. 96, 30, *Rutilii* codd.—P. 96, 32, *Mucii* codd.—P. 97, 8, *sermo est* Or., Bait. II, Hein., Lund.; *sermo sit* codd., Müll., Bait. I.—P. 97, 9 [*orationis*] Fleckeis., Bait. II, Hein. ("probab." Müll.); sine uncis Müll.— P. 97, 18 [*sermone*] *deliniant* Müll.; *sermone* om. Bait., Hein.; *deliniant* codd. B H b; *deleniant* cod. c, Bait., Hein.—P. 97, 19, *excitat* [*gloriam*] Müll.; *gl.* om. Bait. II, Hein., Lund.—P. 98, 1, *Sulpicii* codd.—P. 99, 1, *urgueri* Bait. II, Hein.; *urgeri* codd., Bait. I.—P. 99, 10, *utraque* Lamb., all., Bait. II, Hein., Lund.; *utroque* Müll.—P. 99, 32, *constat* Bait. II.—P. 100, 22, *liberales*, Müll.— P. 101, 2, *fructum maximum divit.* coni. Bait.—P. 101, 7, *Ait enim* Müllero auctore Bait. II, Hein.; *At ii* (*hi*, *hii*) codd., Bait. I.— P. 101, 8, *cogerentur* codd. B H b, Hein.; *cogantur* c p, Bait.— Ibid. *auditu incredib.* cod. c; [*auditu*] Bait. I.—P. 101, 14, *capiatur* add. Beier. p. 444, Hein., *tempus** Bait.—P. 101, 22, *postuletur* codd. B H b, Hein.; *postularetur* c p, Bait.—Ibid. *dives*, Müll.— P. 102, 7, *Marco* e codd. Bait., Hein.—P. 102, 25, *Quamquam enim* e cod. a Bait. I. — P. 103, 27, *in* del. Bait. II. — P. 104, 13, *delabi* opt. codd., Bait. — P. 104, 25 [*Athenis*] Bait., Hein. — P. 104, 26 [*Laciadas*] Bait. — P. 104, 31 [*consilio iuvare*] Muthero auctore Bait. II, Hein.—P. 105, 12 [*gravior*] *facultas* Müll., Bait. II, Hein. —P. 105, 15, *Huic* [*quoque*] Müll.; *quoque* codd., Bait.; del. Facciolat., Hein.—P. 106, 1, *animum advert.* codd. c p, Bait.—P. 106, 8, *videbitur* e codd. c p Bait. et Hein.; om. rell. (*est* a).—P. 106, 29, *factum est* de Halmi sententia Bait. II, Hein.—P. 106, 30, *pu-*

tat codd., Bait., Hein., Lund.—P. 107, 18, *opulentior* pro *utentior* Lamb., Bait. II, probab.—P. 108, 1, *ut utrisque* malit Müll.—P. 108, 14, *est* om. codd. c p, Bait. II.—P. 108, 16, *tenerent* idem codd., Hein.—P. 108, 24, *malo enim alii quam* cod. a, Bait.; *malo enim quam* Müll., codd.; *malo enim ita quam* Hein.—P. 108, 30, *ad victum necessariae* codd. c p, Bait. I, Hein.—P. 109, 4, *accipere dona* cod. b; *dona accipere* rell., vulg.—P. 109, 13 [*Italicum*] Bak., Bait.—P. 109, 20, *potitus* [*est*] Müll.; *est* del. Bait. II, Hein.—P. 109, 25, *Carthago* hic codd.; *Karthago* Bait., Hein.—P. 109, 30, *egressa* codd. B H b, Hein.; *digr.* c, Non., Bait.; *degr.* Lamb, Lund.—P. 110, 2, *oraclum* codd. B H b; *oraculum* c p, Bait., Hein. —P. 110, 15, *atque urbis* Müll. suspect.—P. 111, 5, *profectae manarunt* codd. H b c, Lund.; *profecto* p; *profectae manaverunt* B, Hein.; *profecta emanarunt* Bait.—P. 111, 11, *sescent.* codd. b c, Hein.—P. 111, 12, *exules* et III, § 23 *exilio* Hein.; *exsules* hic codd. —P. 111, 25, *Ptolomaeum* codd.; *Ptolem.* edd.—P. 112, 32, *victus quae cogitarat*, Müll.; *victus, quae cogitarat, cum ipsius intererat, tum ea perfecit* codd. c p, Bait. I, Hein.—P. 113, 2 [*peccare*] Bak., Bait.—P. 113, 5, *dabunt operam* cod. c.—P. 113, 12, *persequentur* cod. c; *persecuntur* B H, Bait. I, Hein.; *persequuntur* b, Bait. II. —P. 113, 32, *vellem etiam de utenda* codd. c p, Bait. I, Hein.; *vellem* om. rell.; *etiam de augenda* Ungero auctore Bait. II.—P. 114, 18, *Vel male pascere* Hein.

LIBER III.

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